



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1742 of 2021

P.Ganesamoorthi

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai, Sivagangai District.
Crime No.01/2021.

... Respondent/Complainant

For Petitioner : Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

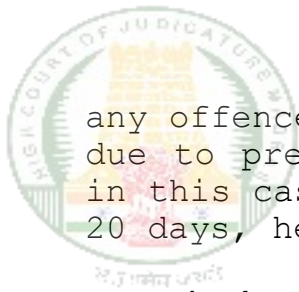
PRAYER :- For Bail in Crime No.01 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 13.01.2021 for the offences punishable under Section 7(a) of Prevention of Corruption (Amendment) Act 2018 (Act 16/18), in Crime No.01 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11.01.2021 the petitioner, who was working as Village Administrative Officer, has demanded bribe for a sum of Rs.4,000/- from the defacto complainant for transfer of patta. Based on the complaint given by the defacto complainant, a case has been registered and the trap was conducted and the phenolphthalein test also proved positive and the accused was caught red handed. At the time of receiving bribe amount recovery made from the petitioner. Hence, a case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed



any offence as alleged by the prosecution. He further submitted that due to previous enmity, the petitioner has been falsely implicated in this case. He further submitted that he is in jail for more than 20 days, hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that that the petitioner herein has demanded Rs.4,000/- for providing transfer of patta and trap was conducted and he was caught red handed and the said amount was recovered from this petitioner, Phenolphthalein test also proved positive against this petitioner.

5.It is a case under Prevention of Corruption Act. The petitioner is in jail for nearly 21 days, the substantial portion of the investigation is completed. Taking note of the above facts and circumstances of the case that it is a case of trap, wherein trap has been successful, recovery made, phenolphthalein test proved positive, the entire proceedings are recorded by way of entrustment mahazer and recovery mahazer, in the presence of official witnesses, and also seized the trap money, files and documents and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Trial of cases under Prevention of Corruption Act, Sivagangai, Sivagangai District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall stay report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



vi) If the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/02/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SPECIAL JUDGE FOR TRIAL OF
CASES UNDER PREVENTION OF CORRUPTION ACT,
SIVAGANGAI, SIVAGANGAI DISTRICT.
2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI, SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1742 of 2021
Date :05/02/2021

VSG
MS/VR/SAR-4/08.02.2021/3P.5C