



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4449 of 2021

Kesavamoothy

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur, Thanjavur District.
Crime.No. 05 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Thiruvadi Kumar A,
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.05 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 09.03.2021 for the offences punishable under Sections 7(b) of Prevention of Corruption(Amendment) Act, 2018(Act 16/18) on the file of the respondent police seeks bail.

2.The defacto complainant had lodged a complaint before the respondent police stating that the petitioner/accused herein who is a Bill Collector of TNCSC Office at Kamatchipuram Village had demanded a bribe of Rs.4600/- for procuring paddy. Initial he had demanded a sum of Rs.40 per bag and later it was reduced to Rs.36 per bag the amount comes to Rs. 4176/- which was rounded to Rs.4200 /- since the defacto complainant not willing to pay the

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complainant trap was conducted and the accused was caught red handed. Phenolphthalein test also proved positive.

3.The learned counsel for the petitioner would submit that the petitioner innocent and a false case has been foisted against him. He would also submit that due to animosity and grudge the defacto complainant had lodged this complaint, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner caught red handed for receiving bribe amount from the defacto complainant. Phenolphthalein test also proved positive. Thereafter the petitioner was arrested and money was recovered from him in the presence of official witnesses, hence he strongly opposed to grant bail to the petitioner.

5. It is seen that the petitioner is working as a Bill Collector TNCSC Office at Kamatchipuram Village. The defacto complainant had harvested 116 bags of Paddy and sent 40 bags on 14.02.2021 for which he had demanded Rs.4600 as bribe and thereafter the demand was reduced to Rs. 4200/- The defacto complainant is not willing to pay the amount hence he had lodged a complaint to the respondent police on 09.03.2021 and after verifying the veracity of the complaint trap was conducted and the accused was caught red handed. Phenolphthalein test also proved positive and the money has been recovered and thereafter he was arrested and remanded to judicial custody.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 learned Chief Judicial Magistrate, Thanjavur at Kumbakonam, Thanjavur 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 report before the respondent police daily at 10.30 a.m until further orders.

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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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 CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, THANJAVUR,
THANJAVUR DISTRICT.
- 3 THE OFFICER INCHARGE,
SUBJAIL, KUMBAKONAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4449 of 2021
Date :23/03/2021

NR/VR/SAR-IV(23.03.2021) 3P:5C