



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5412 of 2021

Rajendran ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Vigilance & Anti Corruption,
Trichy District
(Crime No.2 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Patanjali Vridhachalam,
Advocate.

For Respondent : Ms.R.Anandhadevi,
Government Advocate (Crl.Side)

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

PRAYER :- Bail in Crime No.2 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 08.03.2021 for the offence punishable under Section 7(a) of Prevention of Corruption Act,1988 (as amended in 2018) in Crime No.2 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the defacto complainant approached the petitioner herein and submitted an application for getting additional power load for installing the machinerey the petitioner herein who was working as an Assistant Engineer, TNEB, Tiruvanaikovil, Trichy had demanded a sum of Rs. 30,000/- as illegal gratification other than legal remuneration, hence the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner is in jail from 08.03.2021, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed the bail petition stating that the petitioner was caught red handed.

5. It is a case of trap. Phenolphthalein test had been conducted in the presence of official witnesses and necessary material witnesses had been examined. Ill-gotten money had been recovered.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact the petitioner is a public servant and that there is no possibility of abscondance from the prosecution, this Court is inclined to grant bail to the petitioner.

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 Special Judge, Vigilance and Anti Corruption, Trichy and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/04/2021

/ TRUE 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.

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- TO
- 1 THE SPECIAL JUDGE,
VIGILANCE AND ANTICORRUPTION, TRICHY.
 - 2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TRICHY DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5412 of 2021
Date :17/04/2021

AAV
JM/PN/SAR II/17.04.2021/3P/5C