



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

Date : 10/06/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.7140 of 2021

P.Maheswaran

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai,
Sivagangai District.
Crime No.4/2021

... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy,
Advocate.

For Respondent : Mr.K. Sanjay Gandhi,
Government Advocate (Crl.Side)

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

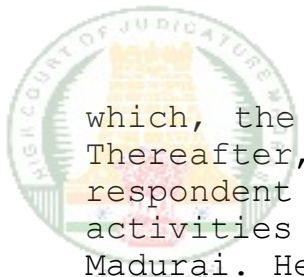
PRAYER :-

For Bail in Crime No.4 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 13.04.2021 for the offences punishable under Section 7(a) of Prevention of Corruption Act, 1988 as amended by Act 16 of 2018 in Crime No. 4 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a farmer and he is doing paddy crops in his lands and his relative lands. On 26.03.2021, the defacto complainant approached the petitioner for procurement of 450 paddy, at the time, the petitioner informed to the complainant that the Government fixed the rate is per KG Rs.19.58/- and he demanded huge money as bribe. Later on 10.04.2021, again the defacto complainant approached the petitioner, the petitioner demanded Rs.26,400/-. The defacto complainant requested him to reduce the said amount and based on



which, the petitioner agreed and reduced the amount of Rs.16,400/-. Thereafter, the defacto complainant gave a complaint before the respondent police. The respondent police observed the petitioner's activities and tainted money from the petitioner at Theppakulam Madurai. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 13.04.2021 and he will abide by any condition and hence, he would pray for granting bail to the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that there is no previous case pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that there is no previous case pending against the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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 Court for Trial of Cases under Prevention of Corruption Act, Sivagangai. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai.

iii)the petitioner shall report before the respondent police on every Monday at 10.30 am., for a period of Eight Weeks.



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

v) the petitioner shall not abscond during trial.

vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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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 COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION ACT, SIVAGANGAI.

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.

COPY TO:

THE OFFICER INCHARGE
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-09

ORDER IN

CRL OP(MD) No.7140 of 2021

Date : 10/06/2021

KSA

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<https://hcservices.ecourts.gov.in/hcservices/>