



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14040 of 2021

K.Ramasamy

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Vigilance and Anti Corruption,
Dindigul.
In Crime No.4 of 2021.

... Respondent/Complainant

For Petitioner : Mr.V.Karthikeyan,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

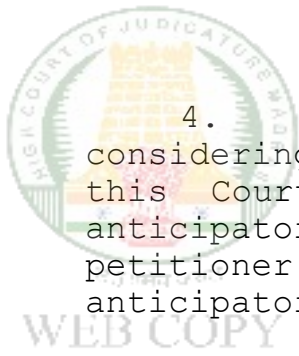
PRAYER :-For Anticipatory Bail in Crime No.4 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 7 & 7 (A) of Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018, in Crime No.4 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A2 is said to have demanded Rs.50,000/- for issuing No Objection Certificate.

3. The learned counsel for the petitioner submits that the said amount has been demanded by the Secretary of the Village Panchayat and the same was also received by the Secretary of the Village Panchayat. The petitioner/A2, who is the husband of the Panchayat President, is not holding any post in the Village Panchayat and he has not demanded any amount as projected by the prosecution. However, the petitioner has been unnecessarily roped-in in this case at the instance of the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioners.



4. The learned counsel for the petitioner submits that considering the nature of allegations as against the petitioner, this Court, vide order dated 24.08.2021, dismissed the first anticipatory bail petition filed by the petitioner. However, the petitioner has come before this Court by way of filing the second anticipatory bail petition.

5. The learned counsel for the petitioner further submits that the petitioner is a philanthropist and doing social work and he never involved in any criminal offence. He further submits that recently, the petitioner has provided 17 chairs and 5 fans to a panchayat union school. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. The learned Additional Public Prosecutor submits that the investigation is yet to be completed.

7. Considering the fact that the petitioner is not holding any post in the Village Panchayat and his conduct in providing amenities to nearby school and also the fact that the amount was received by the first accused only and the petitioner is added as second accused, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate/Special Judge for Prevention of Corruption Act Cases, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

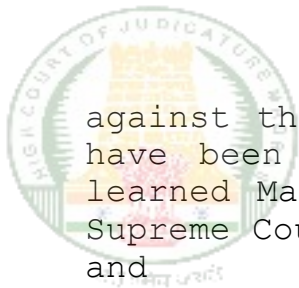
[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before respondent police daily at 10.30 a.m. until further orders;

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d]the petitioner shall not abscond 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 is 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]**; and

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A 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 CHIEF JUDICIAL MAGISTRATE/SPECIAL JUDGE
FOR PREVENTION OF CORRUPTION ACT CASES,
DINDIGUL.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, DINDIGUL.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.V.KARTHIKEYAN, Advocate (SR-7575[I] dated 28/10/2021)

ORDER

IN

CRL OP(MD) No.14040 of 2021

Date :27/10/2021

OGY

MK/SKN/SAR.I/02.11.2021/3P/5C