



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15065 of 2021

Jude @ Jude Antony

... Petitioner/Accused
Rank Not Known

Vs

State through
The Superintendent of Police,
Anti Corruption Branch, Central Bureau
of Investigation, Madurai. Fir No.
FIR No.RC2292021A0002/2021.

... Respondent/Complainant

For Petitioner : M/s.V.Kathirvelu, Senior Counsel
for M/s.K.Prabhu, Advocate

For Respondent : M/s.Victoria Gowri,
Assistant Solicitor General
for Spl.P.P.

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

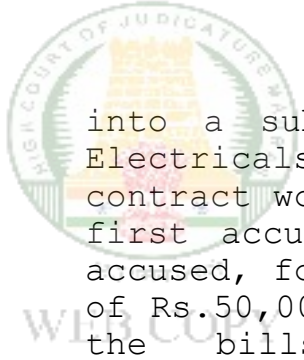
PRAYER :-

For Anticipatory Bail in FIR No. RC2292021A0002/2021 on the
file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the
respondent Police, for the offence punishable under Section 120B of
IPC and Section 7 of Prevention of Corruption Act 1988, in FIR
No.RC2292021A0002 of 2021, on the file of the respondent Police,
seeks anticipatory bail.

2. The case of the prosecution is that the first accused is
the person responsible for approving the bills submitted by the
contractors for civil contract works. The second accused was
awarded with various contract works with CPWD and he in turn entered



into a sub contract with the third accused representing M/s.SK Electricals. The third accused, after completing the electrical contract work, submitted a bill to the tune of Rs.40,00,000/- to the first accused and they were processed and approved by the first accused, for which, the first accused, on 07.06.2021, demanded a sum of Rs.50,000/- as illegal gratification for the purpose of clearing the bills of M/s.SK Electricals and another sum of Rs.1,00,000/- for the purpose of refunding the GST. Thereafter, the first accused also informed the third accused/the petitioner through the 2nd accused that he cleared the bills of the third accused on the same day, for which, the third accused informed the first accused that one Narayanan would come and meet the first accused on 09.06.2021. As the first accused is involved in similar acts that he demanded money through the second accused from the third accused/petitioner to the tune of Rs.20,000/- for clearing his bills and also from another contractor by name Mr.Vijayakumar, this case came to be registered.

3. The learned Senior Counsel appearing for the petitioner submits that the petitioner is not an accused in this case and he is the best witness to the occurrence. Further, the petitioner is also the victim in this case. The learned Senior Counsel further submitted that the petitioner is ready to co-operate with the investigating agency for enquiry and furnish all the details.

4. The learned Assistant Solicitor General appearing for the respondent submits that the petitioner has bribed to the accused 1 and 2. Therefore, he has been implicated as an accused in this case.

5. In view of the submissions made by the learned Senior Counsel appearing for the petitioner, on 05.10.2021 this Court has granted interim anticipatory bail to the petitioner with certain directions.

6.Today I.e. on 22.10.2021, when the matter is taken up for hearing, the learned Assistant Solicitor General appearing for the respondent police submits that as per the direction of this Court, the petitioner has fully co-operated for the enquiry. She would further submit that the first accused is the person responsible for approving the bills submitted by the contractors for civil contract works. By using his position, the first accused has demanded amount as illegal gratification for the purpose of clearing the bills and also would submit that the first accused was arrested and thereafter released on bail.

7.Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this criminal original petition is allowed and 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 II Additional District Court for CBI Cases, Madurai, 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 on every Monday 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 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 229-A IPC.

Ad/-
22/10/2021

/ TRUE COPY /

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

TTA

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.



1. THE II ADDITIONAL DISTRICT
COURT FOR CBI CASES, MADURAI.
2. THE SUPERINTENDENT OF POLICE,
ANTI CORRUPTION BRANCH,
CENTRAL BUREAU OF INVESTIGATION,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. PRABHU.K. Advocate SR.No.7344

ORDER
IN
CRL OP(MD) No.15065 of 2021
Date :22/10/2021

SP/CN/SAR IV/18/11/2021/4P/5C