



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

Date : 09/11/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.15553 of 2021

G.Arunkumar

... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
Vigilance and Anti Corruption,
Theni District.
Crime No.2 of 2021

... Respondent/Complainant

For Petitioner : M/s.Malaichamy.D.,
Advocate.

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

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

PRAYER :-

For 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 and remanded to judicial custody on 20.09.2021 for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988 as amended by the (Amendment) Act, 2018 in Crime No.2 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is working as Junior Assistant in the Office of the District Educational Officer, Uthamapalayam, Theni District. The de-facto complainant is working as Physical Education Teacher in Cumbum Panchayat Union Middle School. The de-facto complainant after completion of ten years of service, approached the Higher Authorities for forwarding his file for promotion to the post of Selection Grade Physical Education Teacher. At that time, the petitioner demanded a bribe of Rs.1,500/- to the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this

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case. He would further submit that the petitioner is in judicial custody from 20.09.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that after lodging of the complaint, the petitioner demanded further bribe of Rs.5,000/- from the de-facto complainant for forwarding his promotion file, a trap has been conducted and the petitioner was arrested and remanded to judicial custody and that the investigation is yet to be completed.

5.No doubt, the petitioner was charged with the serious offence, but, considering the fact that the petitioner is in judicial custody from 20.09.2021 and also the fact that the substantial portion of the investigation is completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Special Judge for Prevention and Anti Corruption Act Cases (CJM), Theni.

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 for a period of one month and thereafter, as and when required for interrogation.

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/-
09/11/2021

/ 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.

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE/SPECIAL JUDGE
FOR PREVENTION AND ANTI CORRUPTION ACT CASES,
THENI.
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 3 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15553 of 2021
Date :09/11/2021

SJI

SS/PN/SAR-IV/09.11.2021 : 3P/5C