



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.15822 of 2021

Suruliappan ... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
Vigilance and Anti-Corruption,
Theni District.
Cr.No. 01 of 2021. ... Respondent/Complainant

For Petitioner : Mr.M.Maharaja,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.01 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 02.09.2021 for the offence punishable under Section 7 of Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018 in Crime No.01 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.08.2021 at 19.30hours, the petitioner, who is working as an Assistant Engineer (Town), TANGEDCO, Bodinayakkanur, Theni District, demanded Rs.5,000/- as bribe from the defacto complainant for providing an angle in electric pole situated near his new house and to change the EB lines for service No.511-017-2102. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Due to previous enmity, this case has been falsely foisted against this petitioner. However, he is inside the prison from 02.09.2021. Hence, he prays for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent submits that in this case, so far, seven witnesses were examined, five documents were collected, the case properties were also sent for forensic analysis and further requisition letter was sent for CDR of mobile number used by the accused. He would further submit that in this case, the investigation is not yet completed. The investigation has to be done based on the forensic report and CDR details, which requires further time.

5. The fact remains that the petitioner was arrested on 02.09.2021 and he is inside the prison from 02.09.2021 and the final report is yet to be filed. Though the learned Additional Public prosecutor assigned reasons for not filing the final report within the stipulated time, in view of provisions under Section 167 (2) Cr.P.C. this Court is left with no other option except to grant bail to the petitioner, however, with stringent conditions.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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 learned Chief Judicial Magistrate/Special Judge for PC Act Cases, Theni, and on further conditions 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.

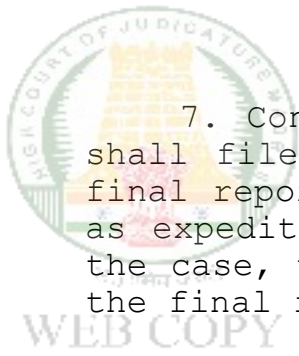
[b]the petitioner shall report before the respondent police daily twice, ie. Morning at 10.30am and evening at 5.30pm till the final report is filed.

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

[d]the petitioner shall not tamper with the 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.



7. Considering the nature of offence, the investigating agency shall file a final report as early as possible. After filing the final report, the trial Court is directed to proceed with the trial as expeditiously as possible and complete the trial and dispose of the case, within a period of six months from the date of receipt of the final report.

sd/-
02/11/2021

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/ /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 PC 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.

COPY TO:

THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15822 of 2021
Date :02/11/2021

PNM/OGY
SS/PN/SAR-IV/02.11.2021 : 3P/6C