



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.16145 of 2021

R.Kalaiselvi

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur,
Thanjavur District.
[Cr.No.9 of 2021]

... Respondent/Complainant

For Petitioner : Mr.M.Ajmal Khan,
Senior Counsel,
for Ms.Ajmal Associates

For Respondent : T.Senthil Kumar,
Additional Public Prosecutor

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

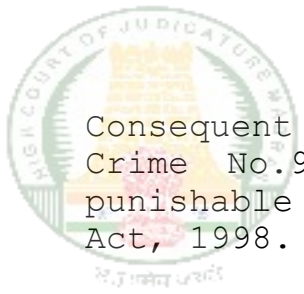
PRAYER :-

For Bail in Crime No.9 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner / accused in Crime No.9 of 2021, on the file the respondent Police, who was arrested on 03.09.2021 for the offence punishable under Sections 7 and 12 of the Prevention of Corruption (Amended in 2018) seeks bail.

2.The case of the prosecution is that one Arun has given a complaint before the respondent police against the petitioner that when the defacto complainant along with his Collection Manager one Anthony Yagappa approached the petitioner on 27.08.2021 at about 01.15 pm to receive R.C.Books for the vehicles registered in the names of Karthick and Nasir Ali, the petitioner demanded a sum of Rs.4,500/- as illegal gratification for issuing R.C.Book of the registered vehicles and for registration of new vehicles. Further she directed to hand over the amount to her agent one Karthickraja. Hence, the defacto complainant informed the same to the Vigilance and Anti Corruption and sought for action against the petitioner.



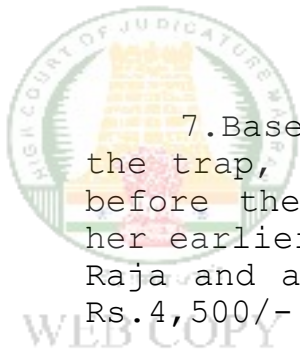
Consequent to the same, the respondent police registered a case in Crime No.9 of 2021 as against the petitioner for the offence punishable under Sections 7 and 12 of the Prevention of Corruption Act, 1998. Based on the complaint the petitioner was arrested.

3.The learned Senior Counsel for the petitioner submits that the allegations made against the petitioner are highly imaginary and there is no iota of truth in the said allegations. The petitioner had never received any bribe from the defacto complainant. The defacto complainant and his owner are vehicle dealers. The defacto complainant took the new vehicles from Thanjavur to Pattukottai for registration in the petitioner's office without having temporary registration, since registering new vehicles either temporarily or permanently within seven days is mandatory. If the vehicles are registered temporarily, the same should be registered permanently within a period of one month. If the transportation distance is short, trade certificate for Registration alone is enough. But if the distance is long, temporary registration is must as per law.

4.The learned Counsel further submits that petitioner has insisted the defacto complainant for temporary registration and also directed him to pay the dues payable to the Government. Aggrieved over the same, this false case has been foisted. Even according to the prosecution, the bribe amount was given to one Karthick Raja, who is in no way associated with the petitioner and through the said Karthick Raja, this petitioner has been implicated as an accused.

5.The learned Senior Counsel further submits that the petitioner was arrested on 03.09.2021 and the petitioner has been languishing in jail for the past 55 days. Further the petitioner's daughter is suffering with some health ailments, but the petitioner being the mother is not in a position to extend his assistance to her daughter. The petitioner has also been contracted with covid-19 recently, but she is confined in prison without proper medical care.

6.The learned Additional Public Prosecutor submits that on 01.09.2021 at 16.00 hours one U.Arun, Operation Manager of Abi and Abi Towers, Thanjavur appeared before the respondent Police and gave a complaint stating that on 06.08.2021 that the complainant and one A.Anthony Yagappa, Collection Manager went to the Office of the Motor Vehicle Inspector, Pattukottai, Thanjavur District and produced a TATA Ace gold vehicles of one T.S.Karthik and Nasir Ali before the petitioner, as she being the Motor Vehicles Inspector and the vehicles were registered on the same day itself. Again on 27.08.2021 at about 13.15 hours, the complainant and A.Anthony Yagappa met the petitioner at her office and requested to issue the R.C.Book of the vehicles registered on 06.08.2021 and informed her that they have to register a new vehicle on 02.09.2021. But the petitioner has replied that the R.C.Books are ready and she demanded Rs.4,500/- for the vehicles registered and to be registered and she said the registration would be done, only if they pay the demanded money.



7. Based on this a trap was organised on 02.09.2021 and during the trap, the complainant produced the new vehicle for registration before the petitioner at her office and the petitioner reiterated her earlier demand and directed to hand over the same to one Kartick Raja and as per the directions of this petitioner, bribe amount of Rs.4,500/- was handed over the said Karthick Raja.

8. The learned Additional Public Prosecutor further submits that already a case in Crime No.7 of 2020 on the file of the Virudhunagar V & AC is pending against the petitioner. The investigation is at preliminary stage and therefore, he opposes for grant of bail.

9. Heard the learned Counsel on either side and perused the material placed on record.

10. It is seen that the bribe money was handed over to one Karthick Raja. Though it is alleged that only at the instance of the petitioner the money was handed over to him, the truth or otherwise of the same, shall be found out during the investigation.

11. In view of the above, considering the nature of allegations, the period of incarceration and the petitioner being a mother of an ailing daughter, has to take care of her ailing daughter, this court is inclined to grant bail to the petitioner.

12. In the light of the above discussion, this petition is allowed and the petitioner is directed to be released on bail on her 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, Thanjavur at Kumbakonam and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit before the trial Court, by ensuring that the petitioner will not indulge in any other offence in future and she will be available for the entire trial;

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

[c] the petitioner shall not misuse the liberty granted to her by this Court and if the petitioner is involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

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

[e] the petitioner shall file an undertaking affidavit before the respondent Police as well as before the trial Court that she will not indulge in any other offence in future;

[f] the petitioner shall not abscond during the trial;
 [g] the petitioner shall not tamper with the evidence or witness during trial;

[h] On breach of any of the aforesaid conditions, the learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
 28/10/2021

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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,
 THANJAVUR @ KUMBAKONAM.
- 2.THE SUPERINTENDENT,
 WOMEN CENTRAL PRISON,
 TRICHY.
- 3.THE INSPECTOR OF POLICE,
 VIGILANCE AND ANTI CORRUPTION,
 THANJAVUR,
 THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
 MADURAI BENCH OF MADRAS HIGH COURT,
 MADURAI.

ORDER
 IN
 CRL OP(MD) No.16145 of 2021
 Date : 28/10/2021