



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 29/11/2021

PRONOUNCED ON: 02/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17586 of 2021

V.Mathivanan,

... Petitioner/Sole Accused

Vs

State Rep by,
The Inspector of Police,
Vigilance and Anti Corruption Police Station,
Madurai District.
Cr.No. 15 of 2021..

... Respondent/Complainant

For Petitioner : Mr.K.K.RAMAKRISHNAN, Advocate for
Mr.R.Sivakumar, Advocate.
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988 in Cr.No.15 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant gave this complaint alleging that for surveying his property, the petitioner asked a bribe of Rs.5,000/-.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the State would submit that based on the complaint given by the defacto complainant, trap was arranged, however, nothing was recovered from the petitioner. He has also produced a status report filed by the respondent.

5. On a reading of the status report filed by the respondent police, it is evident that after registering F.I.R., traps were organized for three times at different places, but the same were not materialised.

6. Considering the above facts and circumstances and also taking note of the fact that the traps organized by the respondent police thrice were not materialised and that the custodial interrogation of the petitioner is not necessary as rightly pointed out by the learned Counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge, Special Court for trial of cases under Prevention of Corruption, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

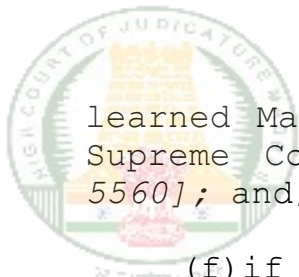
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with 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 petitioners in accordance with law as if the conditions



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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/12/2021

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

SSL

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 SPECIAL JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION, MADURAI.
- 2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SIVAKUMAR R Advocate SR.No.8778 (I)

ORDER

IN

CRL OP(MD) No.17586 of 2021

Date :02/12/2021

PKP/JC/SAR-2/07.12.2021/3P/5C