



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29.12.2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

WEB COPY

CRL OP(MD). No.20949 of 2021

V.Banumathi

... Petitioner/Accused No.1

-Vs-

State Rep by,
The Inspector of Police,
Vigilance and Anti Corruption Wing,
Virudhunagar District.
(Crime No.2/2018)

... Respondent/Complainant

For Petitioner : Mr.C.M.Arumugam, Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2018 on the file of the respondent Police.

ORDER : The Court made the following order :-

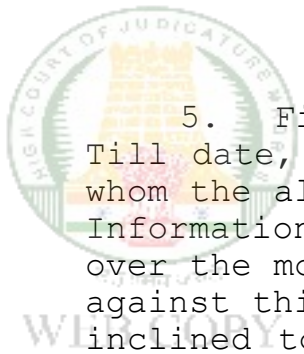
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 in Crime No.2 of 2018 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that on 05.02.2018, a surprise inspection was conducted in the presence of the defacto complainant/Special Tahsildhar, Civil Supplies, Virudhunagar at the Office of the Sub Registrar, Sattur, Virudhunagar. At that time, A2, who served as a watchman attempted to give a sum of Rs.65,000/- to the petitioner/A1. After seeing the Police party, he did not give the money and the same was recovered from him. On the same day, the Officers of the Sub Registrar Office were subjected to thorough check up and no amount was recovered from them. Subsequently, the statement of the watchman was recorded, wherein, he stated that on the instructions of the Sub Registrar, he collected the amount and tried to hand over the same to the Sub Registrar.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and no amount was recovered from the petitioner.

4. Heard the learned Government Advocate appearing for the respondent Police.

<https://hcservices.ecourt.in/Peservices/>



5. First Information Report was registered in the year 2018. Till date, no statement was recorded from the document writer, from whom the alleged amount was collected by the watchman. In the First Information Report it is stated that the watchman attempted to hand over the money to the petitioner and no specific allegation was made against this petitioner. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Chief Judicial Magistrate cum Special Judge, Srivilliputhur and on her executing a bond for a sum of Rs.10,000/- (Rupees Ten 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 cards or bank pass books to ensure their identity.

(b) the petitioner shall report before the respondent police, 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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

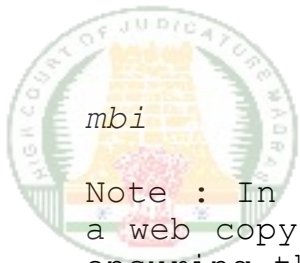
sd/-

29/12/2021

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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 CUM SPECIAL JUDGE,
SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20949 of 2021

Date :29/12/2021

PKP/JC/SAR-3/03.01.2022/3P/4C