



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.756 of 2022

E.G.Dhanraj

... Petitioner

Vs.

State by
The Inspector of Police,
Vigilance and Anti-Corruption
City Special Unit-III
Alandur,
Chennai 600 016.
(Crime No.7 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the Respondent Police in Crime No.7 of 2021 on the file of the Respondent Police pending investigation.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 7(b) of Prevention of Corruption Act (Amendment Act) 2018 in Cr.No.7 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the A-1 is the Executive officer in Kundrathur Town Panchayat and he demanded Rs.50,000/- from the defacto complainant for approval. The defacto complainant lodged a complaint before the Vigilance and Anti Corruption, who registered a case against the petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He



further submits that the petitioner has completed 34 years of service without any blemish. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** to any charitable purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the A1 demanded the amount from defacto complainant to approve the documents by way of A2 viz. Mr.Selvaraj . He further submits that there is no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, and also the fact that the petitioner has wilfully and on his own volition agreed to contribute a sum of **Rs.20,000/-** for charitable purpose, 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 on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Chief Judicial Magistrate, Chengalpet**, on condition that the petitioner shall execute separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty thousand only)** to the Registered Advocate Clerk's Association, Chennai District within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below;

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police on Wednesday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for an interrogation;



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 has been imposed and the petitioner is 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]**; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

12/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
CITY SPECIAL UNIT III,
ALANDUR, CHENNAI - 600 016.

4 THE REGISTERED ADVOCATE CLERKS ASSOCIATION,
CHENNAI DISTRICT.

+1 CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO.694

CRL OP.756/2022

Date :12/01/2022

TA-21/01/2022