



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Crl.O.P.No.208 of 2022

S.Shanmugam

...Petitioner

Vs.

The State rep. by its
The Superintendent of Police
Vigilance and Anti-Corruption Wing
Namakkal
(Crime No.7/AC/2021 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.7/AC/2021 on the file of the respondent police.

For Petitioner : Mr.M.Prakash

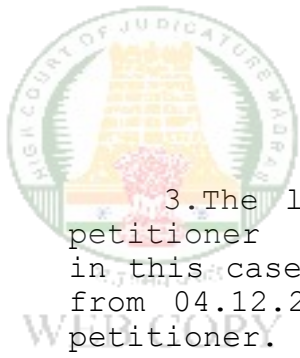
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.12.2021 for the offence under Section 7(a) of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018 in Crime No.7/AC/2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who is a Special Sub-Inspector of Police, Velagoundampatty Police Station, had demanded a sum of Rs.10,000/- from the defacto complainant to close the case as "mistake of facts" which is pending against him and three others in Crime No.712 of 2020 on the file of the Velagoundampatty Police Station. Hence, based on the complaint given by the defacto complainant, a trap was laid on 03.12.2021 and the petitioner was caught red handed while receiving the bribe. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is a dutiful policeman and he has been falsely implicated in this case and that he has been suffering incarceration for 35 days from 04.12.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner was caught red handed while receiving the bribe amount from the defacto complainant and that the samples have been sent for chemical analysis.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft to the Registered Advocate Clerks Association, Namakkal, without prejudice to his defence before the trial Court and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Principal Chief Judicial Magistrate and Special Judge, Namakkal, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

07/01/2022

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 PRINCIPAL CHIEF JUDICIAL
MAGISTRATE AND SPECIAL JUDGE, NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
NAMAKKAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, NAMAKKAL.

+1 CC to M/S MANIGOPI Advocate on payment of necessary charges
SR.NO.341

CRL OP.208/2022

Date :07/01/2022

RW 07/01/2022