



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1419 of 2022

A.Kesavan

... Petitioner/Accused No.2  
Versus

The State Represented by:  
The Inspector of Police,  
Vigilance and Anti Corruption,  
Salem.  
(Crime No.15/AC/2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in respect of Crime No.15/AC/ 2021 on the file of the respondent police.

For Petitioners : Mr.S.Mayilnathan

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 7(a) and 12 read with 7(a) of the Prevention of Corruption Act, 1988 as amended in 2018, in Crime No.15/AC/ 2021, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police on 27.09.2021 conducted a trap raid in the office of the Sub Registrar Office, Sooramangalam and they did not find any contravention as expected by them. At this juncture, A2 was sitting on the visitors' gallery in the premises of the Sub Registrar's Office, Sooramangalam by keeping a sum of Rs.4,84,000/- in his bag. It is the further prosecution case that the above said sum is said to have been taken as a bribe for the Sub Registrar, Sooramangalam for dereliction of discharging her duty in his favour. The respondent police had registered the above said case against the petitioner.



3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he did not no way connected with the alleged offence. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor raised objection but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioners have willfully and on his own volition agreed to contribute a sum of Rs.1,00,000/- 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 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 Special Court for Trial of Cases under Prevention of Corruption Act, Salem, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 condition that:

[a] the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) by way of demand draft to the credit of the Ramakrishna Mutt, Mylapore for Rehabilitation of Leprosy People, 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 every Tuesday 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 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/-

25/01/2022

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 SPECIAL COURT FOR TRIAL  
OF CASES UNDER PREVENTION OF CORRUPTION ACT,  
SALEM.

2 THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
SALEM.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE RAMAKRISHNA MUTT,  
MYLAPORE FOR REHABILITATION OF LEPROSY PEOPLE,  
MYLAPORE.

+1CC to M/S.S.MAYILNATHAN Advocate on payment of necessary charges SR.No.1176

CRL OP.1419/2022

Date :25/01/2022

CSK 04/02/2022