



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

WEB COPY

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.5095, 5221 & 5306 of 2022

R.SenthilKumar	.. Petitioner in Crl.O.P.Nos.5095 of 2022
P.Dinesh	.. Petitioner in Crl.O.P.Nos.5221 of 2022
Kennedy	.. Petitioner in Crl.O.P.Nos.5306 of 2022

Vs.

State rep. by
The Inspector of Police,
Vigilance and Anti-corruption,
Thiruvarur District.
(Crime No.02 of 2022)

.. Respondent in all Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.02 of 2022 on the file of the Inspector of Police, Vigilance and Anti-corruption, Thiruvarur District.

For Petitioner : Mr.A.Navaneetha Krishnan (Senior Counsel)
in Crl.O.P.Nos.5095, for Mr.N.Naveen
5221 of 2022:

For Petitioner in : Mr.V.Gopinath (Senior Counsel)
Crl.O.P.Nos.5306/2022 for Mr.Swamisubramanian

For Respondent : M/s.G.V.Kasthuri
in all petitions Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested for the offences punishable under Sections 7 and 8 of the Prevention of Corruption Act in 1988 as amended by the Prevention of Corruption (Amendment) Act 2018 in Crime No.02 of 2022, on the file of the respondent police, seek bail.

2.These petitioners were arrested by the respondent police pursuant to the trap lead by them on 21.02.2022 and recovery of marked currency of Rs.15,000/- from A3, a private individual running a computer centre.



3.The case of the prosecution runs as below:

The defacto complainant, who presented the settlement deed for registration through A3, a Document Writer and person running a computer centre, was not able to get a document registered in view of the pendency and on enquiry, she came to know that it is kept pending for inspection of the land and when she approached the Sub Registrar, she was informed that only after inspection of the property, the document will be released and later, she went to the Registrar Office more than five times but she was dragged for one reason or other. Later, the Sub Registrar told her that there is a construction in the property which has been suppressed in the document and therefore, additional stamp duty has to be paid and expense would be around Rs.15,000/- and therefore, directed her to meet Senthilkumar, who in turn asked her to meet the document writer/computer centre owner. Thus, the trap lead by the DVAC has led to payment of marked money to Dinesh, A1 and recovered it from A3.

4.According to the petitioners, A1 and A2, who are Officials, claimed that all the transactions are through online and when the defacto complainant has presented her document through online with the help of A3, they have pointed out the suppression of material in the document and the outcome of the inspection of the property and directed her to meet Kennedy, A3 and rectify it by paying an additional stamp duty.

5.Learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners in connivance with each other demanded un due advantage from the defacto complainant and A3 was caught red handed after receiving the bribe money.

6.This Court on perusing the case diary and on hearing the submissions made by the counsels on either side finds that no money was directly recovered from the petitioners/Accused A1 and A2, who are public servant. The so called conversation recorded before the trap proceedings also does not clearly reveal any demand of illegal gratification. Therefore, any further investigation does not require the judicial custody of the petitioners herein. Hence, bail is granted to these petitioners and they ordered to be released on bail subject to the following conditions;

(a) Each of the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned the Chief Judicial Magistrate, Thiruvarur.



(b) 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;

(c) the petitioners are directed to appear before the Investigating Officer daily at 10.30 a.m. until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/03/2022

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
THIRUVARUR.

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

3 THE SUPERINTENDENT,
DISTRICT PRISON, NAGAPATTINAM.

4 THE OFFICER INCHARGE,
SUB JAIL, MANNARGUDI.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to N.NAVEEN Advocate on payment of necessary charges
SR.NOs.3635+3636

+1CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges SR.No.3627

CRL OP.NOs.5095,5221&5306/2022

Date :09/03/2022

CSK 09/03/2022