



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 24.03.2022

Pronounced on : 28.03.2022

WEB COPY

Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.6700 of 2022

C.K.Saravanan

... Petitioner/Accused-1

/versus/

State by

... Respondent/Complainant

The Inspector of Police,
Vigilance and Anti Corruption,
Chennai City Unit-III,
Chennai District.
(Crime No.01/AC/2022/CC-II)

Prayer: This Criminal Original Petition is filed under Section 438 of Cr.P.C., pleased to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.01/AC/2022/CC-II on the file of the respondent police.

For Petitioner : Mr.Nithyaesh Nataraj, for
Mr.K.Pradeep Raj.

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest for the offence under Section 7(b) of the Prevention of Corruption (Amendment Act) 2018, in Crime No.01/AC/2022/CC-II, on the file of respondent police, seeks anticipatory bail.

2. The petitioner is a Tahsildar arrayed as A1 in a case of trap. While the bribe money was received by A2 on behalf of this petitioner, the petitioner is absconding and seeks anticipatory bail before this Court on the ground that the investigation is already completed. The defacto complainant has recorded the phone call where A2 requested for bribe and submitted the same to the respondent police. The voice sample of A2 has already been recorded and the A2 was released on bail.



3. According to the counsel for the petitioner, this petitioner did not received any undue advantage and therefore, in the change circumstances, the petitioner may enlarge on bail in case of arrest.

4. The Learned Government Advocate (Crl.Side) for the respondent would strongly oppose the grant of anticipatory bail to the petitioner on the ground that the petitioner is a Tahsildar, who has demanded a sum of Rs.5,00,000/- as bribe, from the defacto complainant through A2 for change of patta. The petitioner herein is absconding and not cooperating with the investigation. Whereas, the other accused (A2) was arrested and co-operated with the investigation. The voice sample of A2 has been drawn and sent to State Forensic Science Laboratory for comparison. The release of the co-accused (A2) on the said circumstances cannot be taken advantage by this petitioner (A1) who is absconding. The petitioner being a public servant had demanded undue advantage from defacto complainant for patta transfer. Unless, the petitioner is secured and interrogated, the misconduct of the public servant cannot be brought to light.

5. This Court, on considering the rival submissions is clear in its opinion that an accused absconding and not cooperating for investigation cannot compare himself with the co-accused, who was arrested (A2) and co-operated with the investigation. The investigation regarding A2 is completed. The investigation on the part of the absconding accused (A1) is not completed due to his abscondence in this case. The release of co-accused on bail is not a change in circumstances as far as this case is concern. Hence, this Criminal Original Petition is dismissed.

-sd/-
28/03/2022

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

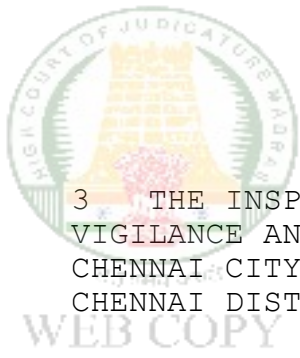
TRUE COPY

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE
CUM SPECIALF JUDGE, CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
CHENNAI CITY UNIT III,
CHENNAI DISTRICT.

4 THE SECTION OFFICER,
V.R.SECTION,
HIGH COURT, MADRAS.

+1 CC to M/S.K.PRADEEP RAJ Advocate on payment of necessary
charges SR.NO.4760

CRL OP.6700/2022

Date :28/03/2022

TA-01/04/2022