



Crl.O.P.No.9478 of 2022

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G.CHANDRASEKHARAN, J.

The petitioner, who apprehends arrest for the alleged offences **under Section 7 of the Prevention of Corruption Act** in Crime No.05/AC of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the submissions of both the counsel appearing for parties.

3.It is seen from the submissions of learned counsel for the petitioner that, there are two accused in this case. First accused/petitioner herein is a tax assessor in Revenue Department, Corporation of Chennai, Zone-14, Division - 188, Madipakkam, Chennai - 91. Second accused is the tax collector. The allegations against the accused is that they demanded illegal gratification of Rs.14,000/- for reallocation of defacto complainant's house tax assessment in the name of his wife. It was wrongly assigned to one Sivakumar in 2015.



4. It is further submitted that on the basis of the complaint, a trap proceedings was arranged on 18.04.2022. Second accused Tr.V.Rajaraman was caught red handed while accepting the bribe on behalf of the first accused.

5.It is the submission of the learned counsel for the petitioner that petitioner is no way involved in the alleged demand of illegal gratification. Neither he demanded the bribe nor the bribe amount was recovered from him. He was not even present at the trap spot. Second accused was arrested and released on bail. Therefore, he seeks Anticipatory Bail to the first accused/petitioner.

6.Learned Government Advocate (Criminal Side) opposed this petition on the ground that, the bribe money was received by the second accused at the instance of the first accused/petitioner. After the trap proceedings A2 had a telephonic conversation with A1 about the acceptance of the bribe amount and A1 said to have informed him to keep the money. Therefore, *prima-facie* case is made out. Petitioner is absconding. Thus, he prays for dismissal of this petition.



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7. On considering the submissions, it is seen that first accused is primarily implicated in this case on the basis of the alleged statement given by the second accused. Neither the bribe money was recovered from the first accused nor he was present at the trap spot at the time of trap proceedings. Second accused was arrested and released on bail. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the **Learned Special Judge for cases under Prevention of Corruption Act, Chennai** on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 condition that:



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(a)the petitioner and the sureties shall affix his 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;

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

(c)the petitioner shall report before the Investigating Officer daily at 10.30 a.m. until further orders;

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

(e) 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;

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

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