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Crl.OP.No.23465 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.23465 of 2022

Senthilkumar

..Petitioner

Vs.

State Rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Ariyalur.
(Crime No. 1 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.1 of 2022 on the file of the respondent Police.

For Petitioner	: Mr.V.Illanchezian
For Respondent	: Mr.A.Gokulakrishnan Additional Public Prosecutor.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2022 for the alleged offence punishable under Section 7 of Prevention of Corruption Act, 1988 (as Amended 2018) in Crime No. 1 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner/A1 who was the Revenue Inspector and A2 was working a Village Administrative Officer, both the accused demanded a sum of Rs.50,000/- as bribe to transfer the patta in the name of the defacto complainant's father. It is further alleged that both the accused had received a sum of Rs.10,000/- and thereafter, received a sum of Rs.20,000/- from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. That apart, he has been suffering incarceration from 12.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against the petitioner. He would further submit that this is the second bail petition. In earlier occasion, this Court had dismissed the bail petition filed by the petitioner in Crl.O.P.No.20921 of 2022 dated 01.09.2022. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 12.08.2022 and also taking note of the fact that the petitioner has come forward to donate an amount of Rs.50,000/-(Rupees Fifty Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall donate a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, and on such donation the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the learned **Special Judge/Chief Judicial Magistrate, Ariyalur** and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall donate a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, and that the receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily Morning at 10.30 a.m., and Evening 05.30 p.m, until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Special Judge/Chief Judicial Magistrate,
Ariyalur.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption,
Ariyalur.
3. Central Prison,
Trichy
- 4.The Public Prosecutor,
High Court of Madras.

G.K.ILANTHIRAIYAN, J.



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