



CrI.O.P.No.23806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.23806 of 2022

Shyam Sundar

... Petitioner

Vs.

The State represented by,
Station House Officer,
Vigilance and Anti-Corruption Wing,
Cuddalore.
(Crime No.08 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.08 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 20.09.2022, for the offences punishable under Section 7 of Prevention of



Crl.O.P.No.23806 of 2022

Corruption (Amendment) Act, 2018, in Crime No.08 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the Inspector of Police was caught red handed while receiving a sum of Rs.5,000/- as bribe to remove the name of the informant from the History Sheet. Pursuant to a trap, he was caught red handed. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he had taken action against some criminals and a case has been foisted against him. He would also submit that the custodial interrogation of the petitioner may not be required. He would further submit that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner had demanded bribe of a



Crl.O.P.No.23806 of 2022

sum of Rs.5,000/- from an informant to remove his name from the History Sheet. Pursuant to trap, he was caught red handed while receiving the bribe and phenolphthalein test done turned positive. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Chief Judicial Magistrate Court (Special Court for Prevention of Corruption Act), Cuddalore**, and on further conditions that:



Crl.O.P.No.23806 of 2022

[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;

[b] the petitioner shall stay at Chennai and report before the Vigilance and Anti Corruption Wing, City Unit-I, Chennai, daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 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]*;

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

29.09.2022

rgi



WEB COPY



Crl.O.P.No.23806 of 2022

To

1. The Chief Judicial Magistrate Court
(Special Court for Prevention of Corruption Act),
Cuddalore.
2. Station House Officer,
Vigilance and Anti-Corruption Wing,
Cuddalore.
3. The Superintendent,
Sub Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23806 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.23806 of 2022

29.09.2022