



Crl.O.P.No.24821 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.10.2022

CORAM

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

Crl.O.P.No. 24821 of 2022

M.Sathish Kumar

... Petitioner

Vs.

State rep. by the
Inspector of Police,
Vigilance and Anti-Corruption,
Thiruvarur District.
(Crime No.06 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.06 of 2022 pending on
the file of the respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.09.2022, for the offences punishable under Section 7 of Prevention of Corruption (Amended) Act, 2018, in Crime No.06 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who was working as a Village Assistant along with the Village Administrative Officer had demanded a sum of Rs.8,000/- from the defacto complainant as bribe for transferring the patta in the name of his mother. Based on the complaint given by the defacto complainant, a trap was laid on the petitioner and the Village Administrative Officer. Pursuant to the trap, they were caught red handed while receiving the bribe and phenolphthalein test done turned positive and they were arrested and remanded to judicial custody on 21.09.2022.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any



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offence as alleged by the prosecution. He would also submit that the main accused in this case, who is the Village Administrative Officer has been granted bail by this Court in Crl.O.P.No.24301 of 2022 on 06.10.2022. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the main accused demanded a sum of Rs.8,000/- as bribe for transferring patta and they were caught red handed while receiving bribe money. He would also reiterate that the main accused in this case, who is the Village Administrative Officer has been granted bail by this Court in Crl.O.P.No.24301 of 2022 on 06.10.2022. 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) for the respondent and perused the materials available on record.



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

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Chief Judicial Magistrate Court, Thiruvarur**, 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;

[b] the petitioner shall report before the respondent Police, daily at 10.00 a.m. until further orders;

[c] the petitioner shall not influence, threaten or coerce the witness either during investigation of trial;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Chief Judicial Magistrate Court, Thiruvarur.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Thiruvarur District.
3. The District Prison,
Thiruvarur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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