



Crl.O.P.No.25174 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

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

Crl.O.P.No.25174 of 2022

Mr.Lakshmikandhan

... Petitioner

Vs.

State Represented by
Inspector of Police,
Department of Vigilance and Anti Corruption,
Namakkal.
Crime No.2/AC/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, pending investigation in crime
No.2/AC/2022 on the file of the Respondent police.

For Petitioner : Mr.A.Rajakumar

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

ORDER



Crl.O.P.No.25174 of 2022

The petitioner, who was arrested and remanded to judicial custody on 28.09.2022, for the offences punishable under Section 379 and 7(b) of Prevention of Corruption Act, 1988, in Crime No.2/AC/2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Annadurai, who is the hereditary Poojari of the temple is that the petitioner, who is the Executive Officer along with the Assistant Commissioner of HR&CE Department has demanded monthly mamool from them. Based on the complaint, a trap was laid and the accused were arrested while receiving bribe amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2 in this case and since, the petitioner along with the Assistant Commissioner of HR&CE Department, questioned about the illegal activities of the defacto complainant, a false complaint has been given and a trap was laid. He would also submit that the major part of the investigation is over and the co-accused in this case has been granted bail by



Crl.O.P.No.25174 of 2022

this Court in Crl.O.P.No.25068 on 17.10.2022. He would also state that the petitioner is in custody from 28.09.2022. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner, who is the Executive Officer had demanded monthly mamool from the hereditary Poojaris. Pursuant to that, based on the complaint given by one of the Poojaris, a trap was laid and the petitioner and the other accused, who is the Assistant Commissioner of HR&CE Department, were arrested while receiving the bribe. He would further submit that a house search also conducted and an amount of Rs.4,50,000/- has also been recovered. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, learned counsel appearing for the petitioner would submit that the petitioner is in custody for more than 20 days and the respondent has not taken police custody of the petitioner and further custody of the petitioner may not be required. He would further submit that other than



Crl.O.P.No.25174 of 2022

the defacto complainant, all other witnesses are official witnesses. Therefore, he prays for grant of bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the petitioner is in custody from 28.09.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Chief Judicial Magistrate, Namakkal District**, and on further conditions that:

[a] the sureties shall affix their photographs and



CrI.O.P.No.25174 of 2022

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 10.30 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.

18.10.2022

rgi



WEB COPY



CrI.O.P.No.25174 of 2022

To

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



WEB COPY



CrI.O.P.No.25174 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

CrI.O.P.No.25174 of 2022

18.10.2022