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Crl.OP.No.26723 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

Crl.OP.No.26723 of 2022

1.Savithri

2.Rajan

... Petitioners

Vs.

State represented by
The Inspector of Police,
Vigilance and Anti-Corruption,
Coimbatore District.
Crime No.12/2022/AC/CB.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail concerned in Crime
No.12/2022/AC/CB pending investigation on the file of the respondent
police.

For Petitioners : Mr.C.Ramkumar

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side),



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.10.2022 for the offences punishable under Sections 7(a), 7(a) r/w 12 of Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment), Act 2018, in Crime No.12 of 2022/AC/CB on the file of respondent police, seek bail.

2. The case of the prosecution is that the first petitioner, who is the president of Bilichi Panchayat and her husband, who is the second petitioner have demanded Rs.20,000/- from the defacto complainant as a bribe for giving plan approval. The defacto complainant, who was not interested in giving bribe, had informed it to the respondent. Based on the complaint, a trap was laid and the petitioners were caught red handed, while accepting the bribe. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged offence. He would submit that the first petitioner is the president of panchayat and the second petitioner is the husband of the first petitioner and



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they belong to the opposite political party and antagonized by the same, the defacto complainant foisted a case as if the petitioners have demanded money for giving approval of plan. He would submit that the petitioners are in custody from 07.10.2022 and the major part of investigation is over. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the first petitioner is the president of panchayat and the second petitioner is her husband. They had demanded Rs.20,000/- as a bribe for giving plan approval to the defacto complainant. Based on the complaint of the defacto complainant, a trap was laid and the petitioner were caught red handed while accepting the bribe. He would submit that investigation is pending. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.



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6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, and also taking note of the period of incarceration suffered by the petitioners from 07.10.2022, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 **Special Court for Trial of cases under the Prevention of Corruption Act, Coimbatore** 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 petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am until further orders;

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

03.11.2022

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To

1. The Special Court for Trial of Cases under the Prevention of Corruption Act, Coimbatore.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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