



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/01/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.197 of 2022

Nirmalkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai
(Crime No.9 of 2021).

... Respondent/Complainant

For Petitioner : M/s.MOHIDEEN BASHA.N., Advocate.

For Respondent : Mr.S.S.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.9 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

A case in crime No.9 of 2021 was registered against the petitioner under Section 7 (a) of Prevention of Corruption Act, 1988 (Amended Act 16 of 2018). The petitioner was arrested on 07.12.2021 and he filed a petition in Crl.M.P.No.566 of 2021. That petition was dismissed by the trial Court. Against the same, the petitioner filed this petition for bail.

2. On the side of the petitioner, it is stated that the alleged allegation is that the petitioner demanded bribe for signing three work orders. The complainant is not a classified Contractor and he was not qualified to undertake the work. Only the Union Engineer was allotted with the Contract. There is no chance for the petitioner to have claimed bribe from the defacto complainant. Only a colleague of the petitioner laid a trap and foisted this false case. The major portion of the investigation was already over. All the witnesses were already examined. Recovery was also over. The petitioner is in custody for the past 31 days and further custody is not required and prayed the petitioner to be released on bail.

3. On the side of the respondent, it is stated that there is no necessity for the defacto complainant to be a classified Contractor to file the complaint. All the works were allotted to the Union Engineer and the work has been done under the control of the Block Development Officer. The work is for construction of three



Government Anganwadi buildings with a total assessment of Rupees One Crore Two Lakhs. The petitioner demanded 0.5% commission to sign the work order and he demanded Rs.30,000/- as advance. The defacto complainant is a Sub-Contractor and the petitioner was arrested in a Trap proceedings and prayed the petition to be dismissed.

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4. It is seen that the petitioner is working as the Block Development Officer. The petitioner is in custody for the past 31 days. Considering the nature of the offence and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Special Court for trial of cases under Prevention of Corruption Act, Sivagangai, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

06/01/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE JUDGE

SPECIAL COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION ACT, SIVAGANGAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION, SIVAGANGAI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.197 of 2022

Date : 06/01/2022

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