



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4910 of 2022

J.Mosai

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Vigilance and Anti-Corruption Police Station,
Tirunelveli.
(Crime No.02/2022).

... Respondent/Complainant

For Petitioner : M/s.LAJAPATHI ROY.T,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.02/2022 on the file of the respondent police.

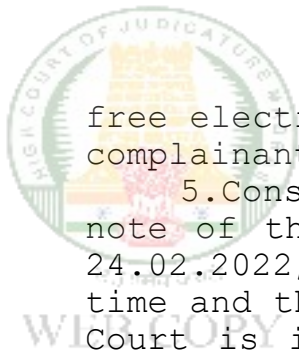
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 24.02.2022 for the offences punishable under Section 7(a) of Prevention of Corruption Act, 1988, in Crime No.02 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant's father had approached the petitioner for giving free electricity connection in his agricultural field, for which, the petitioner demanded Rs.3,500/- from the father of the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that it is a trap case and the petitioner demanded Rs.3,500/- for giving



free electricity connection to the agricultural land of the de-facto complainant's father.

5.Considering the above facts and circumstances and also taking note of the facts that the petitioner is in judicial custody from 24.02.2022, that the investigation might have been completed by this time and that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 Special Court for Trial of Cases under the Prevention of Corruption Act, Tirunelveli.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/Special court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Special 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/Special Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

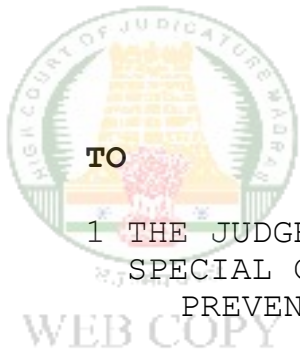
24/03/2022

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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 THE
PREVENTION OF CORRUPTION ACT, TIRUNELVELI.

2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION POLICE STATION,
TIRUNELVELI.

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

+1. CC to M/S.LAJAPATHI ROY.T Advocate SR.No.2464

ORDER

IN

CRL OP(MD) No.4910 of 2022

Date :24/03/2022

SA/VR/SAR.1/24.03.2022/3P/6C