



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.5796 of 2022

Kamarudeen ... Petitioner/2nd Accused

Vs

The State represented by
The Inspector of Police,
Vigilance and Anti Corruption Wing,
Trichy.
(Crime No. 1 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vakeeswaran.C,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

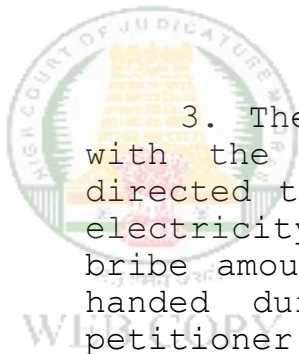
PRAYER :-

For Anticipatory Bail in Crime No.1 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 7 (a) of Prohibition of Corruption Act, 1988 (As amended in 2018) in Crime No.1 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant approached the petitioner at his office for want of electricity connection and at that time, the petitioner has instructed to approach the Commercial Inspector one Victor, who is the first accused in this case and the said Victor has demanded Rs.20,000/- for the electricity connection, that on 15.03.2022, the defacto complainant has approached the first accused to reduce the amount, that the first accused has also reduced Rs.2,000/- and demanded Rs.18,000/- from the defacto complainant and that since the defacto complainant was not interested to give bribe amount, he preferred a complaint and subsequently, a trap was conducted and the first accused was caught red-handed during the trap.



3. The case of the petitioner is that he is no way connected with the alleged occurrence, that the petitioner has actually directed the defacto complainant to approach the first accused for electricity connection, that the first accused has demanded the bribe amount as alleged by the prosecution and he was caught red-handed during the trap conducted by the respondent, but the petitioner was not at all present at the time of occurrence, that there is no demand or illegal gratification on the part of the petitioner and that the petitioner has been falsely implicated in the above case.

4. The learned Additional Public Prosecutor appearing for the State would submit that the defacto complainant visited the Navalpattu Electricity Board office and enquired about his application for temporary connection, that when he met the petitioner who is the Assistant Engineer, admitting the receipt of the application, he called the first accused Victor and informed the defacto complainant that the first accused would inform about the formalities, that the first accused had in the presence of the petitioner had demanded Rs.20,000/- for temporary connection and that as per the directions of the first accused, he handed over Rs.18,000/- to the first accused and that the first accused was caught red-handed. He would further submit that the first accused has given a statement wherein he has specifically stated that he had demanded Rs.20,000/- as per the formalities in force at that time, that as per the directions of the petitioner, the first accused had reduced the amount and demanded Rs.18,000/-. He would further submit that generally out of the amount of Rs.18,000/-, the petitioner herein would take Rs.5,000/- and pay the first accused and the Commercial Assistant Rs.2,500/- each, foreman Kailasam Rs.4,000/- and foreman Murugan Rs.4,000/-.

5. No doubt, as rightly pointed out by the learned Counsel for the petitioner, the petitioner was not present and the amount was not recovered from him. But according to the first accused, only on the directions given by the petitioner, he had received the said amount. According to the learned Additional Public Prosecutor, the first accused was arrested and is in judicial custody.

6. Considering the nature and seriousness of the offences and also the fact that the investigation is pending and the first accused is still in judicial custody, this Court is not inclined to grant anticipatory bail to the petitioner.

7. In the result, the Criminal Original Petition is dismissed.

sd/-

31/03/2022

/ TRUE COPY /

/ /2022

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



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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 INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION WING, TRICHY
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.VAKEESWARAN.C. Advocate SR.No.2811

ORDER
IN
CRL OP(MD) No.5796 of 2022
Date :31/03/2022

SS/VR/SAR:I/05.04.2022 : 3P/4C