



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

RESERVED ON : 08/04/2022
PRONOUNCED ON : 12/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5920 of 2022

V.Balakrishnan

... Petitioner/Accused

Vs

State represented by,
The Inspector of Police,
CBI/ACB/ Madurai.
(In FIR No.RC 229 2022 A 0001 of 2022).

... Respondent/Complainant

For Petitioner : Mr.C.Arul Vadivel @ Sekar
for Mr.S.Sankarapandian
For Respondent : Mrs.L.Victoria Gowri,
Assistant Solicitor General
for India, for CBI cases.

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

PRAYER :-

To release the petition on bail in FIR.No. RC 229 2022 A 0001 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 21.03.2022, for the offences punishable under Sections 7(A) of the Prevention of Corruption Act, 1988(as amended in 2018) in FIR NO.RC 229 2022 A 0001/2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner working as Havildar in the office of GST, Dindigul Division, demanded and accepted illegal gratification of a sum of Rs.20,000/- from the defacto complainant at about 07.00p.m., on 21.03.2022 for not to reopen the closed GST tax file of his deceased father.

3. The petitioner's case is that he is innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the above case.



4. The learned Counsel for the petitioner would submit that it is a trap case and all the post-trap proceedings were completed on the date of alleged occurrence itself, that the petitioner is a Government servant and hence, he will not flee from the clutches of law, that he was suspended from service on 23.03.2022 and as such, the question of tampering the records does not arise.

5. The learned Assistant Solicitor General of India appearing for the respondent would submit that the case is at the initial stage of investigation, that if the petitioner is released, he will tamper the records and influence the witnesses which will hamper the investigation of the case, that the investigation is going on in another angle as to whether any other officials are involved in this case.

6. The learned Assistant Solicitor General of India would further submit that the petitioner is directly involved in the crime alleged and if the petitioner is released, the investigation would be seriously prejudiced, that the offence alleged in the F.I.R., is very serious in nature and that therefore, the petition is liable to be dismissed.

7. It is not in dispute that the petitioner was arrested on 21.03.2022. As rightly pointed out by the learned Assistant Solicitor General of India, it is a trap case and the petitioner was caught red-handed. According to the prosecution, the petitioner had demanded Rs.20,000/- for not to re-open GST tax file of the deceased father of the defacto complainant which was already closed and that while the petitioner was receiving the amount, he was caught red handed.

8. As rightly contended by the learned Assistant Solicitor General of India, the allegations are serious and release of the petitioner at this point of time would become detrimental to the investigation. It is settled law that the Court has to keep in mind not only the nature of accusations, but also if there exists reasonable apprehension of the evidence being tampered with, the bail has to be refused. In the present case, it is the contention of the learned Assistant Solicitor General of India that they are proceeding with the investigation in another angle as to whether any other officials are involved in this case.

9. Considering the seriousness and gravity of the charges alleged and also the fact that the petitioner was caught red handed in trap proceedings and the investigation is in initial stage as stated by the learned Assistant Solicitor General of India, this Court is not inclined to grant bail to the petitioner at this point of time.



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

sd/-
12/04/2022

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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 INSPECTOR OF POLICE,
CBI / ACB / MADURAI.
2. THE OFFICER-INCHARGE,
SUB JAIL, USILAMPATTI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5920 of 2022
Date :12/04/2022

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