



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

Date : 11/05/2022

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.9061 of 2022

Elamurugan

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
V&AC Police Station,
Theni.
(Crime No.04 of 2022).

... Respondent/Complainant

For Petitioner : Mr.T.Selvan,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.04 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 21.04.2022 for the offences punishable under Sections 7 & 12 of Prevention of Corruption Act, 2012, in Crime No.04 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.04.2022, the first accused has demanded Rs.1,00,000/- from the defacto complainant for transferring patta and on 20.04.2022, at the office of the first accused, the DLO trapped the accused persons and seized a sum of Rs.50,000/- from the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has demanded the said sum on behalf of the public servant and on instructions from him he counted the currency notes, thereby he has been implicated as an accused. He would further submit that the petitioner is in custody from 21.04.2022, hence he seeks bail.



4.The learned Additional Public Prosecutor would submit that the petitioner is not a public servant. He would also submit that the bribe amount has been recovered.

5.Considering the period of incarceration, and also the fact that the petitioner has received the bribe amount on behalf of the public servant and also the fact that the bribe amount has been recovered, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for PC Act Cases (Chief Judicial Magistrate), Theni.

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Sessions Judge/ Trial 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 Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/05/2022

/ TRUE COPY /

11/05/2022
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 SPECAIL JUDGE,
SPECIAL COURT FOR PC ACT CASES
(CHIEF JUDICIAL MAGISTRATE), THENI.
2. THE INSPECTOR OF POLICE,
V AND AC POLICE STATION,
THENI.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, THENI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9061 of 2022
Date :11/05/2022

csm/aav
USK/VR/SAR-IV/11.05.2022/3P/5C