



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

Date : 14/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16500 of 2022

Venkatesa Perumal @ Venkatesh ... Petitioner/Accused (Sole)

Vs

The State Rep. By,
The Inspector of Police,
Vigilance and Anti Corruption Wing,
Thoothukudi, Thoothukudi District.
Crime No. 06/2022.

... Respondent/Complainant

For Petitioner : M/s.S.Ramasamy,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

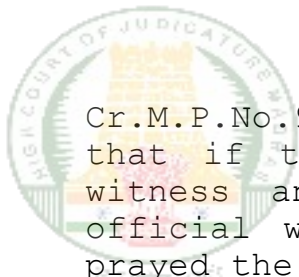
For Bail in Crime No.06 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 17.08.2022, in Crime No.6 of 2022, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the defacto complainant purchased a portion of land in Survey No.343/1 with an extent of 3 Acres and 25 cents from one Sekar and the property has a common patta. In order to get separate patta in his name, he approached the petitioner, who was working as Village Administrative Officer, and the petitioner demanded a sum of Rs.14,000/- as bribe, for issuing separate the patta. A case in Crime No.6 of 2022, under Section 7(a) of the Prevention of Corruption Act, 1988, was registered against the petitioner.

3. On the side of the petitioner, it is stated that a false case was foisted against the petitioner and the petitioner is in judicial custody from 17.08.2022. The petitioner moved a bail petition before the Chief Judicial Magistrate, Thoothukudi, in



Cr.M.P.No.9908 of 2022 and the same was dismissed only on the ground that if the petitioner is released on bail, he may tamper the witness and hamper the investigation. All the witnesses are official witnesses and there is no chance of tampering them and prayed the petitioner to be released on bail.

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4. On the side of the prosecution, it is stated that the petitioner is working as Village Administrative Officer and he demanded a bribe of Rs.14,000/- from the defacto complainant, for issuing separate patta.

5. It is seen that the petitioner has filed a bail petition before the Chief Judicial Magistrate, Thoothukudi, in Cr.M.P.No.9908 of 2022 and the same was dismissed on 07.09.2022. Considering facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Thoothukudi, and on further conditions that:

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned 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., until further orders;

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

(iv) **the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;**

(v) On breach of any of the aforesaid conditions, the learned Magistrate/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 Magistrate/Trial 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/-

14/09/2022

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14/09/2022

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 CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
2. THE OFFICER-INCHARGE,
DISTRICT JAIL, PERURANI.
3. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMASAMY, Advocate (SR-9942[I] dated 14/09/2022)

ORDER

IN

CRL OP(MD) No.16500 of 2022

Date :14/09/2022

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USK/SBN/SAR-II/14.09.2022/3P/6C