



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

Date : 12/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17966 of 2022

Prakasam, ... Petitioner/Sole Accused
Vs
State Rep.by
The Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai District.
(Crime No.8/2022). ... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandiyan, Advocate.

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

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

PRAYER :-

For bail in Cr No.8/2022 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 07.09.2022 for the offences punishable under Section 7 of Prevention of Corruption Act, in crime No.8 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who was the President of Panchayat Board, had demanded bribe of Rs.25,000/- from the defacto complainant for giving permission for electricity connection. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second bail application and the earlier application was dismissed by this Court vide order dated 23.09.2022 in Crl.O.P.(MD)No.17087 of 2022. He would further submit that is innocent and he has not received any amount from the de-facto complainant and he is in judicial custody from 07.09.2022 and hence he may be released on bail.

4.The learned Government Advocate (Crl. side) strongly opposed this petition stating that it is a trap case and the petitioner's application was dismissed by this Court dated 23.09.2022.



He would further submit that the major part of the investigation is over.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the major part of the investigation is over, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Court for Trial of Cases under Prevention of Corruption Act, Sivagangai.

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

(ii) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

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

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

(v) the petitioner shall not abscond during trial.

(vi) 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 Special Court/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

12/10/2022

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/10/2022

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



TO

1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION ACT, SIVAGANGAI.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI DISTRICT. .

3 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.

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

COPY TO

THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR,
MADURAI.

+1 CC to M/s.G.KARUPPSAMY PANDIYAN, Advocate (SR-11270[I] dated
12/10/2022)

ORDER

IN

CRL OP(MD) No.17966 of 2022

Date :12/10/2022

SJI

PKP/VR/SAR- /14.10.2022/3P/7C