



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22923 of 2022

WEB COPY

K.Ramachandran

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Vigilance and Anti Corruption,
Madurai District.
(in Cr.No.9 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.9 of 2022.

For Petitioner : Mr.Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

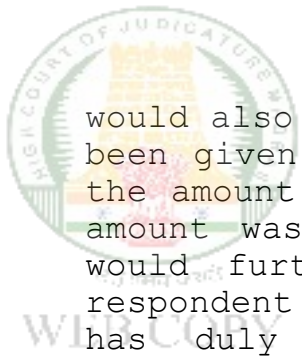
O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 7(a) of the Prevention of Corruption Act, 1988, in Crime No.9 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner is presently working as a Head Constable in Mathichiyam Law and Order Police Station, Madurai City and previously, he was working as Head Constable in D3 Koodal Pudur Police Station from 04.11.2017 to 19.02.2020. The further allegation is that the respondent received a credible information that the petitioner has collected bribe of Rs.72,000/- from the family of a habitual offender one Ganesh, who is involved in several criminal cases registered against him in various police stations including the Koodal Pudur Police Station for not taking action against him and out of which, Rs.50,000/- has been received through bank transactions. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He

<https://www.mca.gov.in/>



would also submit that due to previous enmity, a false comp. has been given. He would also submit that some persons have deposited the amount into his account and the respondent is alleging that the amount was deposited by and on behalf of the accused Ganesh. He would further submit that after registration of the case, the respondent had called the petitioner for enquiry and the petitioner has duly appeared for the enquiry and cooperated with the investigation. He would also submit that custodial interrogation of the petitioner may not be required any further in this case. He would also submit that departmental enquiry was conducted and that the petitioner has been given a minor punishment of cut of increment for one year. Hence, he would pray for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioner had received bribe from the family of Ganesh, who is a habitual offender for not taking action against him. However, he would submit that the petitioner had appeared for enquiry and the major part of the investigation is over.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

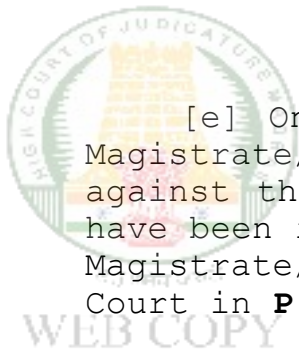
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Madurai, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 as and when required.

[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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/12/2022

/ TRUE COPY /

/01/2023

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

CMR

TO

1. THE JUDICIAL JUDGE,
SPECIAL COURT FOR TRIAL OF CASES
UNDER PREVENTION OF CORRUPTION ACT,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-29[I] dated
02/01/2023)

ORDER

IN

CRL OP(MD) No.22923 of 2022

Date :23/12/2022

RK/BUC/SAR-3 (03/01/2023) 3P/5C