



Crl.O.P.No.1414 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.1414 of 2023

V.Karunakaran,
S/o. Velu

... Petitioner

Vs.

The State rep. by
The Station House Officer,
V & AC, Villupuram.
(Crime No.1 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1 of 2023 pending on the file of respondent police.

For Petitioner : Mr.N.S.Kishore Kumar

For Respondent : Mr.A.Gokulakrishnan,
Asst. Public Prosecutor



CrI.O.P.No.1414 of 2023

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 04.01.2023 for the alleged offence under Section 7 of Prevention of Corruption Act, 1988 in Crime No.1 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 03.01.2023, when the defacto complainant approached this petitioner for effecting name change in the revenue records and for issuance of fresh patta for the property purchased by his and sister-in-law, he said to have demanded a sum of Rs.5000/- from him. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is



Crl.O.P.No.1414 of 2023

WEB COPY

almost completed and that the petitioner has been suffering incarceration for more than 22 days from 03.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is the sole accused. He would submit that when the defacto complainant approached the petitioner for effecting name change in the revenue records, the petitioner demanded a sum of Rs.5000/- from him. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



Crl.O.P.No.1414 of 2023

WEB COPY

6. Accordingly, the petitioner is **directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) as non-refundable deposit into the credit of Crime No.1 of 2023** and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety** for a like sum to the satisfaction of the **learned Special Court of the Vigilance and Anti-Corruption Cases, Chief Judicial Magistrate, Villupuram**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 daily at 05.30 p.m. for the period of eight weeks;

(c) the petitioner shall not commit any offences of similar nature;

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



Crl.O.P.No.1414 of 2023

WEB COPY

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

25.01.2023

rpp

To

1. Special Court of the Vigilance and Anti-Corruption Cases,
Chief Judicial Magistrate, Villupuram,.
2. The Station House Officer,
V & AC, Villupuram.
3. The Superintendent of Prison,
Sub-Jail, Villupuram.
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl.O.P.No.1414 of 2023

T.V. THAMILSELVI, J.

rpp

Crl.O.P.No. 1414 of 2023

25.01.2023