

Crl.O.P.No.4116 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 in Cr.No.4/AC/2017 on the file of the respondent police, seeks anticipatory bail.

2. There are totally two accused involved in this case and the petitioner is arrayed as A2. The case of the prosecution is that the defacto complainant had applied for free agricultural service connection. On a false promise the petitioner along with other accused had obtained a sum of Rs.40,000/- from the defacto complainant. But the petitioner failed to do the same and cheated the defacto complainant, thereby, the law enforcing agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He also submits that the petitioner has not violated any rules and regulations of the TANGEDCO.



Hence, he prays to grant anticipatory bail to the petitioner.

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that though the alleged offence occurred in the year 2016, the FIR was registered in the year 2017 and the petitioner was not co-operating to the voice test because the allegations levelled against this petitioner and other accused were proved. He submitted that the petitioner is working as Assistant Engineer, O&M, TANGEDCO, Tamaraipalayam, Erode District from 28.03.2014 to till date. Whenever the respondent police called for enquiry, the petitioner did not attend and in the last hearing also he did not attend the enquiry by saying that he was in the hospital. By pointing all these incidents, the learned Government Advocate (Crl.side) raised a strong objection that the petitioner will not co-operate for investigation.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen



days from the date of receipt of a copy of this order, before the learned

Special Judge and learned Chief Judicial Magistrate, Erode, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties (out of which one surety must be a blood related surety) 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the trial Court on every Friday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

(c) the petitioner is directed to co-operate for the investigation including the voice test.

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

**T.V.THAMILSELVI, J.***gbi*

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

(f)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 anticipatory 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]***; and;

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

28.02.2023*gbi***Crl.O.P.No.4116 of 2023**