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Crl.O.P.No.5277 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM

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

Crl.O.P.No.5277 of 2023

K.Partheeban

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Ranipet, Vellore District.

(Crime No.1 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.01
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Meganathan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.02.2023, for the offences punishable under Section 7 of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 @ 7(a) & 12 of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018, in Crime No.01 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused, who is the Tahsildar of Arcot Taluk, Ranipet District had demanded a sum of Rs.15,000/- to process the de-facto complainant's application with regard to change of names in joint patta. Based on the complaint given by the de-facto complainant, a trap was laid and during the trap, the accused have been caught red handed by the respondent. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is arrayed as A2 in this case, is an innocent person working as a Driver of A1, Tahsildar of Arcot Taluk, Ranipet District and he has been falsely roped in this case. He further submitted that only on the instructions



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of A1, the petitioner, without knowing what was inside the cover, has received the cover given by the de-facto complainant and other than that, he does not know anything about the case. He further submitted that the petitioner is in custody from 15.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the first accused has demanded a sum of Rs.15,000/- as bribe from the de-facto complainant to process his application with regard to change of names in joint patta, due to which, a trap was laid and during such time, the petitioner (A2) was caught red handed while receiving bribe from the de-facto complainant. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Chief Judicial Magistrate, Vellore**, and on further conditions that:

[a] 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 everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

10.03.2023

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To

1. The Chief Judicial Magistrate,
Vellore.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Ranipet, Vellore District.
3. The Central Jail,
Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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