



Crl.O.P.Nos.6980 & 6984 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

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

Crl.O.P.Nos.6980 & 6984 of 2023

S.Kalaivanan ... Petitioner in Crl.O.P.No.6980 of 2023

D.Vijayakrishna ... Petitioner in Crl.O.P.No.6984 of 2023

Vs.

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

(Crime No.1 of 2023). ... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in connection with the Crime No.1 of 2023, pending on the file of respondent Police.

For Petitioner in
Crl.O.P.No.6980 of 2023 : Mr.S.Silambuselvan

For Petitioner in
Crl.O.P.No.6984 of 2023 : M/s.S.P.Arthi



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For Respondent
in both Crl.O.Ps

: Mr.C.E.Pratap
Government Advocate (crl.side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.03.2023 for the offences punishable under Section 7(a) of the Prevention of Corruption (Amendment) Act, 2018 in Crime No.1 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the defacto complainant/ Velu is that A1, who is the Taluk Deputy Surveyor, has demanded a sum of Rs.15,000/- as bribe for issuing FMB sketch with regard to the property of the defacto complainant and on the instruction of A1, A2 has received the bribe. Both of them were caught red handed, while receiving the bribe. Later, from the custody of A1, unaccounted cash of Rs.33,000/- and from A2, unaccounted cash of Rs.20,000/- were recovered. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioner in Crl.O.P.No.6980 of 2023 is arrayed as A2, who is the Assistant of A1 and the petitioner in Crl.O.P.No.6984 of 2023 is arrayed as



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A1, who is the Taluk Deputy Surveyor. He would further submit that since the petitioners were strict in their work, the other persons have given a false complaint. He would further submit that the petitioners are unnecessarily arrested and they are in judicial custody from 09.03.2023. He would also submit that the petitioners are now suspended from service and they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that A1, who is the Taluk Deputy Surveyor and A2, who is the Assistant of A1 have demanded a sum of Rs.15,000/- as bribe for issuing of FMB sketch with regard to the property of the defacto complainant. Based on which, a trap was laid. He would further submit that the petitioners were caught red handed, while receiving the bribe. He would further submit that the petitioners were suspended from service and the investigation is still pending. Hence, he opposed for grant of bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned



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Government Advocate (crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 and Special Judge, 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;**

[c] the petitioners shall not abscond either



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during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

28.03.2023

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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