



WEB COPY



Crl.O.P.No.7974 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.7974 of 2023

A.Waheeda Banu

... Petitioner

Vs.

The State represented by,
The Deputy Superintendent of Police,
Vigilance & Anti Corruption,
Ariyalur Detachment,
Ariyalur District.
(Crime No.01 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in Crime No. 01 of 2023
on the file of the Respondent Police.

For Petitioner : Mr.S.Saranraj

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.7974 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.03.2023, for the alleged offences punishable under Section 7 of Prevention of Corruption Act, 1988 (As amended in 2018), in Crime No.01 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the petitioner as per the defacto complainant is that, he is a Sub-Contractor and that he had done work for Panchayat Department and that he had approached the accused, who is the Assistant Executive Engineer, Jayamkondam Sub Division to clear the Bills, for which, accused had demanded Rs.30,000/- from the defacto complainant as 2% of the total contract amount to clear the bill. Based on the the complaint given, a trap was organised and that the accused was arrested on 24.03.2023, while receiving the bribe amount. Hence, the case.

3. The learned counsel for the petitioner submitted that, petitioner is an innocent person and false complaint has been given by the defacto complainant. He further submitted that, defacto complainant, who is a South Union Secretary of the ruling party had not done the contract work



Crl.O.P.No.7974 of 2023

properly, thereby, she had not withheld the bill, whereas, he had given the false complaint, as if the petitioner has demanded bribe for clearing the bill. Based on the influence of the defacto complainant, a false complaint has been lodged and she was arrested on 24.03.2023. He further submitted that, house search of the petitioner was also conducted and nothing incriminating was found in the house of the petitioner. He would further submit that the petitioner has been working under the Government without any blemish and this is the first case registered against the petitioner. He further submitted that, petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) submitted that, petitioner is an Assistant Executive Engineer, Jayamkondam Sub Division and she haddemanded bribe for passing the bills of the defacto complainant/ contractor. While receiving the bribe the petitioner was arrested red-handed. Hence, he prayed for dismissal of the petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



Crl.O.P.No.7974 of 2023

WEB COPY

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

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, Ariyalur** 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



WEB COPY



Crl.O.P.No.7974 of 2023

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 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.

13.04.2023

sma

To

1. Chief Judicial Magistrate,
Ariyalur
2. The Deputy Superintendent of Police,
Vigilance & Anti Corruption,
Ariyalur Detachment,
Ariyalur District.
3. The Central Prison,
Thiruchy
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.7974 of 2023

A.D.JAGADISH CHANDIRA.,J.

Sma

Crl.O.P.No.7974 of 2023

13.04.2023