



Crl.O.P.No.8304 of 2023

Crl.O.P.No.8034 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 7 of the Prevention of Corruption Act, 1988 as amended in the Prevention of Corruption (amendment) Act, 2018 in Crime No.01 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner who is a Village Administrative Officer demanded a sum of Rs.10,000/- as bribe for mutating the Revenue records of the defacto complainant. The defacto complainant was not willing to give bribe to the petitioner and had given a complaint. Based on the complaint a trap was organized and the petitioner who received the bribe amount escaped from the scene of occurrence. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has no role in crime and the main accused in this case is A2. He would further submit that the



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petitioner is now suspended from service and the custodial interrogation of the petitioner may not be required in this case. However, he is ready to co-operate with the investigation and appear before the respondent police as and when required for interrogation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner was working as Village Administrative Officer and he had demanded an amount of Rs.10,000/- for transferring the patta and he also caught red handed, therefore he was suspended from service. He further submits that A2 in this case has been arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that A2 in this case has been arrested and released on bail, this Court is inclined



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to grant anticipatory bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Special Judge for cases under the Prevention of Corruption Act, Villupuram**, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the



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respondent Police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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.

18.04.2023

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