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Crl.O.P.No.9251 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9251 of 2023

M.Ponnusamy

... Petitioner

Vs.

State of Tamil Nadu,
Rep by Station House Officer,
Vigilance and Anti-Corruption,
Kallakurichi District.
Crime No.01/2023 VAC/KLK

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner pending investigation in Crime No.01
of 2023, on the file of the respondent herein.

For Petitioner : Mr.P.Rajavel

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.03.2023, for the offences punishable under Section 12 of the
Prevention of Corruption Act,1988 as amended in PC (Amendment) Act,
2018, in Crime No.01 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution as per the defacto complainant is that A1 who is the Village Administrative Officer had demanded a sum of Rs.10,000/- as bribe from the defacto complainant for mutating the Revenue Records of the defacto complainant. Since the defacto complainant did not want to give bribe, he lodged a complaint based on which, a trap was organized and during the trap proceedings, when the defacto complainant had gone to meet A1, A1 had instructed the defacto complainant to hand over the money to the petitioner/A2 who is a private individual and subsequently, the petitioner/A2 was caught red handed while receiving bribe from the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person. Other than being known to the 1st accused, the petitioner has not committed any offence as alleged by the prosecution. Only on the instructions of the 1st accused who is a Village Administrative Officer, the petitioner received the cover from the defacto complainant and that the petitioner was not aware that the cover contained bribe amount. He further submitted that the Village Administrative Officer/A1 on whose instruction, the petitioner received the cover from the defacto complainant, has been granted anticipatory bail by this Court in Crl.O.P.No.8034 of 2023



by order dated 08.04.2023 and that the petitioner has been suffering incarceration for more than one month from 25.03.2023 and the major part of investigation is over. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that though the petitioner is a private individual, on the instructions of A1, he received bribe from the defacto complainant and that the petitioner was arrested read handed while receiving bribe money. However, he would fairly admit that the major part of investigation has been completed and the main accused/A1 has been granted anticipatory bail by this Court.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and considering the period of incarceration undergone by the petitioner and also of the fact that the main accused/A1 has been granted anticipatory bail by this Court, this Court is inclined to grant of 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 **Special Court for P.C. Act Cases/Chief Judicial Magistrate at Villupuram, Villupuram District**, 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 with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial



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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.

26.04.2023

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To

1. The Special Judge,
Special Court for P.C. Act cases,
Chief Judicial Magistrate,
Villupuram District.
2. The Station House Officer,
Vigilance and Anti-Corruption,
Kallakurichi District
3. The Jailer,
District Jail,
Villupuram District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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