



Crl.O.P.No.9236 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B) of IPC r/w Section 7 & 7A of the Prevention of Corruption Act 1988 (as amended in 2018), in F.I.R.No.RC/032/2023/A0013, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant Shri M.Rajendiran, resident of Karaikal had purchased an agricultural land measuring an extent of 1.06 Acres from Shri.Uduman Labbai Maraker, Shri Gowdu Marakar and Smt. Jameela Ummal for total amount of Rs.24,00,000/- and the documentation was done through one Senthilnathan/A2, a document Writer at Karaikal and it was submitted to the petitioner/A1, SRO for registration. The petitioner/A1 had originally demanded an amount of Rs.3,00,000/- as bribe for registering the document and later the demand was reduced to Rs.2,00,000/-. The further allegation is that the defacto complainant, who do not want to give bribe,



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had given a complaint on 30.03.2023. Based on which, a case was registered by the respondent police in Crime No.RC/032/2023/A0013 and a trap was laid and on 31.03.2023 on behalf of A1, A3 had received the bribe in his presence and they(A1 and A3) were arrested. Hence, the case.

3.The learned Senior Counsel for the petitioner would submit that the petitioner other than being a document writer in the Office of the Sub-Registrar, Niravi has not committed any offence. He would submit that the A3 who is the assistant of another document writer had handed over certain documents to be kept in his home. Believing the same, he had received the documents from A3 and he had kept in his home. Whereas an illegal search was conducted in his house and the document was recovered from his house and now the petitioner has been falsely implicated in this case as if the petitioner had abetted the main accused the Sub-Registrar who has demanded the bribe amount. He would reiterate that other than being a document writer in the office of Sub-Registrar of Niravi, the petitioner has not committed any offence. He would submit that the Sub-Registrar has been arrested and later he has been granted bail by this Court



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in Crl.O.P.No.8812 of 2023 dated 28.04.2023. He would further submit that as on date, the alleged document has also been recovered and an amount of Rs.3,80,000/- has also been recovered from the house of the petitioner and the custodial interrogation of the petitioner may not be required in this case and he is ready to appear before the respondent police for the purpose of investigation.

4.The respondent has filed a detailed counter.

5.The learned Government Advocate (CBI cases) would submit that the petitioner is a document writer in the office of the Sub-Registrar, Niravi. The defacto complainant had approached the Sub-Registrar, Niravi for registering a document. At that time, the Sub-Registrar and the petitioner who had present on 28.03.2023 at the office had demanded an amount of Rs.3,00,000/- as bribe for registering the document and later the demand was reduced to Rs.2,00,000/-. At the time of registration, since the defacto complainant was not having money he had issued a post dated cheque for Rs.1,50,000/- and paid an amount of Rs.50,000/- by cash. The



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Sub-Registrar/A1 had taken the documents into his custody as ransom and the documents were handed over to the petitioner for safe custody in his house on the direction that only after making full payment, the documents would be released to the defacto complainant. The petitioner is also an important accused who has abetted the main accused the Sub-Registrar in the entire transaction. Based on the confession of the A1, a search was conducted in the house of the petitioner in the presence of witnesses and during the search, the registered documents and an amount of Rs.3,00,000/- were recovered from the house of the petitioner. Thereby, he would vehemently object for grant of anticipatory bail to the petitioner.

6.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record.

7.Taking into consideration the facts and submissions of the learned Counsel and that the registered documents has also been recovered from the house of the petitioner and also an amount of Rs.3,00,000/- has



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also been recovered, this Court is of the opinion is that the custodial interrogation of the petitioner may not be required in this case, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate-I, Karaikal**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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.

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[b] the petitioner shall report before the respondent Police daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

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01.06.2023

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