



Crl.O.P.No.9622 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9622 of 2023

D.Krishnamurthy

... Petitioner

Vs.

The State rep. by its,
Inspector of Police
Vigilance & Anti-Corruption,
Vellore.
(Crime No.3 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with Crime No.3 of
2023 on the file of the respondent.

For Petitioner : Mr.A.Rajeshkanna

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 19.04.2023, for the offences punishable under Sections 7(A) of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption Act (Amendment) Act, 2018, in Crime No.3 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Saranya, Principal of BPR Schoold and College of Nursing, is that the petitioner who was working as a Block Health Supervisor had demanded bribe of Rs.10,000/- for completing the work relating to issuance of feasibility certificate. Since the defacto complainant did not want to give bribe, she lodged a complaint before the Vigilance and Anti Corruption Department based on which, trap was laid and the petitioner was arrested read 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 and a false case has been foisted against him. He would further submit that the petitioner has been in judicial custody from 19.04.2023 and that the entire prosecution case is borne out by documents



and therefore, the custody of the petitioner may not be required. 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 during trap proceedings, the petitioner was arrested read handed while receiving bribe from the defacto complainant for completing her work related to issuance of feasibility certificate.

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 the period of incarceration undergone by the petitioner, 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 **learned Chief Judicial Magistrate, Vellore 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. for a period of four weeks and thereafter, every Saturday 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



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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.

28.04.2023

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To

1. The Chief Judicial Magistrate,
Vellore District.
2. The Inspector of Police
Vigilance & Anti-Corruption,
Vellore.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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