



CrI.O.P.No.10061 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

CrI.O.P.No.10061 of 2023

Arunkumar

... Petitioner

Vs.

State Represented by
The Inspector of Police,
CBI ACB, Chennai.
Karaikal District
(RC.No.32/2023/A0013).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.RC/032/2023/A0013, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondent : Mr.K.Srinivas
Special Public Prosecutor
(CBI)



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ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 31.03.2023, for the offences punishable under Section 120 B of IPC r/w Section 7 and 7A of the Prevention of Corruption Act, 1988, in Crime No.RC/032/2023/A0013 on the file of the respondent police, seeks 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 Mr.Shandra Mohane/SRO, Neravy/ A1 for registration. The 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 did not want to give bribe, had given a complaint on 30.03.2023. Based on which, the case was registered by the respondent police in Crime No.RC/032/2023/A0013 and a trap was laid and on



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31.03.2023 on behalf of A1, A3, had received the bribe in his presence.

Thus, they (A1 and A3) were arrested. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the A1 has already been granted bail by this Court in Crl.O.P.No.8812 of 2023 vide Order dated 28.04.2023. Hence, he prayed to grant bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Special Public Prosecutor would submit that the petitioner/A3 had confessed that the amount was received only on the directions of the SRO, Karaikal/A1. He would also submit that the investigation is in the initial stage and thereby, he would object for grant of bail to the petitioner.

6. At this juncture, Mr.P.Muthamizh Selvakumar, learned counsel appearing for the petitioner would submit that the petitioner will not tamper with the documents and interfere with the investigation. He would further submit that the petitioner is ready to co-operate with the investigation by



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furnishing voice sample if called upon and within one week from coming out on bail, he will also file an affidavit of undertaking agreeing to co-operate with the respondent by furnishing voice sample. He would reiterate that the petitioner is in the judicial custody for more than a month.

7. Heard the learned Counsel for the petitioner and the learned Special Public Prosecutor and perused the materials available on record.

8. In this case, the petitioner was arrested along with A1/Shandra Mohane for having received bribe of Rs.2 lakhs for registering the document. It is the case of the petitioner that he is nowhere connected to the A1, whereas, it is the case of the prosecution that A1 demanded a sum of Rs.3 lakhs and later, reduced to a sum of Rs.2 lakhs and had earlier received Rs.50,000/- and later, on the instruction of the petitioner, A3 had received the balance amount of Rs.1,50,000/- and while receiving bribe, A3 was arrested red-handed. Further, A3 is stated to have confessed that he had received the amount on the instruction of the petitioner. Thereby, the petitioner/A3 was arrested on 31.03.2023 and he is in custody for the past 33 days. The respondent claims that investigation in this case is pending and the



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voice samples have to be taken from the petitioner and the learned counsel for the petitioner submitted that the petitioner is ready to furnish the voice samples, in the event of being called by the respondent.

9. In view of the fact that the A1 has already been granted with bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. 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 Special Judge (Under Prevention of Corruption Act Cases), Karaikal**, 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 stay at Chennai and report before the respondent police everyday at 10.30 a.m., except on all Sundays until further orders.

[c] the petitioner shall not abscond either during



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investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner, within one week of coming out on bail, shall file an Affidavit of Undertaking stating that he will furnish voice samples, if called upon by the respondent to do so;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

10.05.2023

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To

1. The Special Judge
(Under Prevention of Corruption Act Cases), Karaikal.
2. The Inspector of Police,
CBI ACB, Chennai.
3. The District Prison,
Karaikal
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN.,J.

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