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Crl.O.P.No.10652 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10652 of 2023

Eashwari

... Petitioner/A2

Versus

State Rep. by
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Perumbalur,
Perumbalur District.

Crime No.2 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.

praying to enlarge the petitioner on bail in Crime No.2 of 2023 pending
on the file of the respondent Police.

For Petitioner : Mr.M.Muruganantham

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.04.2023, for the offence punishable under Section 7 of Prevention of Corruption Act, 1988, in Crime No.02 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was working as a Village Assistant and she had assisted the Village Administrative Officer in receiving the bribe of Rs.20,000/- from the de-facto complainant. The respondent Police has laid a trap on 18.04.2023 and recovered the amount from A1. 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. Further, the learned counsel for the petitioner would submit that even as per the allegation, the money was recovered only from the first accused and the petitioner has nothing to do with the alleged offence and



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she is in custody from 18.04.2023. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner, who was working as a Village Assistant, had assisted the Village Administrative Officer in receiving the bribe of Rs.20,000/- from the de-facto complainant. The respondent Police has laid a trap on 18.04.2023 and recovered the amount from A1. He would further submit that the investigation is yet to be completed and if the petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. Taking into consideration of the facts and circumstances of the case and the submissions of the learned counsel for the petitioner that the petitioner is a lady and since, she is in custody from 18.04.2023, further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;



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(a) 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 learned Chief Judicial Magistrate at Perambalur.

[b] 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.

[c] the petitioner shall report before the respondent police, as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

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

[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.**



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State of Kerala [(2005)AIR SCW 5560].

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

10.05.2023

ham/ab

To

1. The Chief Judicial Magistrate,
Perambalur.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Perumbalur,
Perumbalur District.
3. The Special Prison for Women,
Trichy.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

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