



Crl.O.P.No.14969 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14969 of 2023

Saravanan

...Petitioner

Vs.

State by
Deputy Superintendent of Police
Vigilance & Anti-Corruption
Ariyalur
Ariyalur District
(Crime No.2 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.2 of 2023 on the file of the respondent police.

For Petitioner : Mr.K.Balu

For Respondent : Mr.Leonard Aul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2023 for the offences punishable under **Sections 7 @ 7, 12 of Prevention of Corruption Act, 1988 as amended in 2018**, in Crime No.2 of 2023, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that the petitioner has been falsely framed in this case. The petitioner is working as a Zonal Deputy Tahsildar in Jayamkondam and he is not responsible for change of UDR Patta. Therefore, the claim of the prosecution that, the defacto complainant approached the petitioner for changing of UDR Patta, is not acceptable as any change in the UDR Patta, can be effected only by the DRO. Further, no amount was recovered from the petitioner and that, the petitioner is in judicial custody from 22.06.2023. Thus, he prays for grant of bail.



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3. In reply, the learned Government Advocate (Crl. Side) opposed this petition, on the ground that, the defacto complainant approached the petitioner for changing of Patta for which, the petitioner demanded a sum of Rs.10,000/- and when the bribe amount was offered as per the demand made by the petitioner, the petitioner directed the defacto complainant to give the amount to the 2nd accused. Accordingly, the amount was given to the 2nd accused who in turn, given it to the 3rd accused. Subsequently, the amount was recovered and phenolphthalein test was conducted and that was proved positive. He further submitted that the investigation in this case is pending. Hence, he prays for dismissal of this bail petition.

4. Considering the nature of allegation made against the petitioner and the fact that the amount was not recovered from the petitioner but, recovered from A2 and A3 and that the petitioner is in judicial custody from 22.06.2023 and also of the fact that the material witnesses in this case are police officials and the material part of investigation is over, this Court is inclined to grant bail to the petitioner.



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5. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Chief Judicial Magistrate, Ariyalur**, 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 daily 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.



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[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.

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To

1.The Chief Judicial Magistrate, Ariyalur

2.The Central Prison,
Trichy

3.Deputy Superintendent of Police
Vigilance & Anti-Corruption
Ariyalur
Ariyalur District

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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