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Crl.OP.No.15083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.07.2023

CORAM

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

Crl.OP.No.15083 of 2023

S.Karthikeyan

..Petitioner

Vs.

State Rep by its,
Deputy Superintendent of Police,
Vigilance and Anti Corruption-Cell,
Thiruvarur District.
Crime No.03 of 2023
...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime No.03
of 2023 on the file of the respondent police.

For Petitioner : Mr. A.Mohamed Ismail

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



Crl.OP.No.15083 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.06.2023 for the offence punishable under Section 7 of Prevention of Corruption Act, 1988 amended as 2018 in Crime No.03 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner has been falsely implicated in a case registered for the offence under Section 7 of Prevention of Corruption Act, 1988 amended as 2018. Petitioner is in Judicial Custody from 13.06.2023. Thus, he seeks for bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) submitted that, petitioner is a Village Administrative Officer and he demanded a sum of Rs.4,500/- from the defacto complainant for change of patta. When petitioner received Rs.4,500/- from the defacto complainant, he was trapped and the petitioner was arrested. Therefore, he opposed for grant of bail to the petitioner.



CrI.OP.No.15083 of 2023

WEB COPY

4. Considering the fact that it is a trap case and the petitioner was arrested while receiving the bribe amount and the petitioner is in Judicial Custody from 13.06.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

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, Tiruvarur** 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.



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CrI.OP.No.15083 of 2023

[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 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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CrI.OP.No.15083 of 2023

To

1. Chief Judicial Magistrate, Tiruvarur
2. Deputy Superintendent of Police,
Vigilance and Anti Corruption-Cell,
Thiruvarur District.
3. Sub Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras



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CrI.OP.No.15083 of 2023

G.CHANDRASEKHARAN. J.

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CrI.O.P.No.15083 of 2023

07.07.2023