



Crl.O.P.No.15738 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7, 13 (2) r/w13 (1) (d) of Prevention of Corruption Act, 1988 in Crime No.4/AC/2017, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the documents.

3. By an order dated 28.02.2023 in Crl.O.P.No.4116 of 2023, this Court has granted Anticipatory Bail to the petitioner herein on following conditions.

“6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge and learned Chief Judicial Magistrate, Erode, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties (out of which one surety must be a blood related surety) each for a like sum to the satisfaction of the respondent police or the police officer who



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intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the trial Court on every Friday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

(c)the petitioner is directed to co-operate for the investigation including the voice test.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond 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 anticipatory 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.”

4. It appears that as per clause 6(c), the petitioner had appeared before the investigation officer for voice test, and the same has been



completed and report is awaited as per the version of the respondent police. However, the petitioner has not executed the sureties as stated in the above said order and by automatic clause contained therein, bail order was cancelled and hence, fresh Anticipatory Bail petition is filed.

5.Taking note of the fact that the petitioner has participated in the enquiry and also gave the voice sample as required by the investigation officer, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Special Judge and Cheif Judicial Magistrate, Erode**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (out of which one surety must be a blood related surety) each for a likesum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



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[a] the petitioner and the sureties shall affix his 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 appear before the trial Court on every Friday at 10.30am for a period of eight weeks and thereafter, as and when required for interrogation.

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

[d] the petitioner shall not abscond 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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7. It is hereby made clear that if the petitioner does not comply with the order this time, he will not be entitled for anticipatory bail, during the subsequent period.

08.08.2023

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