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Crl.OP.No.15230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2023

CORAM

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

Crl.OP.No.15230 of 2023

1.Sambasivam

2.Veera

...Petitioners

Vs.

The State Rep by its
The Deputy Superintendent of Police,
Vigilance & Anti-corruption
Ariyalur Deetachment.
(Cr.No.2 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioners/A2 and A3 on bail in Crime No.2 of
2023 on the file of the respondent Police.

For Petitioners : Mr.R.Sampathkumar

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 22.06.2023 for the offence punishable under Section 7 @
Section 7 and 12 of Prevention of Corruption Act, 1988 (as amended in



CrI.OP.No.15230 of 2023

2018) in Crime No.2 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners are falsely implicated as accused in Crime No.2 of 2023 for the offence under Section 7 @ Section 7 and 12 of Prevention of Corruption Act, 1988 (as amended in 2018). Petitioners are innocents. They are in judicial custody from 22.06.2023. Therefore, he prays for grant of bail to the petitioners.

3.In response, the learned Government Advocate (Criminal Side) submitted that first accused in this case was working as Zonal Deputy Tahsildar, Udayarpalayam. For changing of patta, he demanded bribe from the defacto-complainant. He instructed the defacto-complainant to pay the bribe amount to the second accused. Accordingly, the second accused received the amount and gave it to the third accused. That is how they were implicated as accused in this case. That amount had been recovered. The phenolphthalein test conducted on A2 and A3 proved positive. It is a case of trap.



CrI.OP.No.15230 of 2023

WEB COPY

4.Considered the rival submissions and perused the records.

5.The phenolphthalein test conducted on A2 and A3 proved positive. The material witnesses in this case are Police officials. The material part of the investigation is over. The first accused was granted bail by this Court in CrI.O.P.No.14969 of 2023 on 13.07.2023. Petitioners are in judicial custody from 22.06.2023. In such circumstances, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- each** (Rupees Ten Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **learned Special Judge/CJM 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



WEB COPY



CrI.OP.No.15230 of 2023

Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

18.07.2023

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CrI.OP.No.15230 of 2023

To

- 1.The Special Judge/CJM Ariyalur
- 2.The Deputy Superintendent of Police,
Vigilance & Anti-corruption
Ariyalur Deetachment.
- 3.Central Prison, Trichy.
- 4.The Public Prosecutor,
High Court of Madras



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Crl.OP.No.15230 of 2023

G.CHANDRASEKHARAN. J.

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Crl.OP.No.15230 of 2023



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CrI.OP.No.15230 of 2023

18.07.2023