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Crl.O.P.No.16435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

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

Crl.O.P.No.16435 of 2023

Chandra

...Petitioner

Vs.

The Station House Officer,
Vigilance and Anti-Corruption,
Kallakurichi District.
(Crime No.02 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pertaining to Crime No.02 of 2023 pending investigation on the file of respondent police.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2023 for the offences punishable under Section 7 of Prevention of Corruption Act 1988 amended as 2018 in Crime No.02 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is a 50% visually challenged person. The allegation against the petitioner is that she demanded and received bribe of Rs.700/- from one Vijaya Kumar for releasing iron rods for construction of houses under Prime Minister Housing Scheme. Now, she is suspended. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, the petitioner had demanded and received bribe of Rs.700/- from *de-facto* complainant for releasing the iron rods for construction of houses under Prime Minister Housing Scheme. Therefore, he prays for dismissal of this bail petition.



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4. The lower Court had dismissed the bail petition of the petitioner for the reason that the petitioner may tamper the documents. However, considering the fact that, the petitioner is under judicial custody from 06.07.2023, the material part of the investigation is completed and also the fact that the petitioner is now suspended, this Court is inclined to grant bail to the petitioner and 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 **Special Court for Prevention of Corruption Act Cases, Villupuram**, 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



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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.

24.07.2023

mpl



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To

- 1.The Special Court for Prevention of Corruption Act Cases,
Villupuram.
- 2.The Central Prison, Cuddalore.
- 3.The Station House Officer,
Vigilance and Anti-Corruption,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

mpl

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