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Crl.O.P.No.16915 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

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

Crl.O.P.No.16915 of 2023

S.Balu

...Petitioner

Vs.

State of Tamil Nadu,
Rep by Station House Officer,
Vigilance and Anti-Corruption,
Kallakurichi District.
Crime No.03/2023 VAC/KLK

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.03/2023VAC/KLK on the file of the respondent police, Vigilance and Anti-Corruption, Kallakurichi and Kallakurichi District.

For Petitioner : Mr.P.Rajavel

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.07.2023 for the offences punishable under Section 7 of Prevention of Corruption Act, 1988 as amended in PC (Amendment) Act, 2018 in Crime No.03/2023 VAC/KLK on the file of the respondent police, seeks bail.

2. It is submitted by the learned counsel for the petitioner that, petitioner is an accused in Crime No.03/2023 VAC/KLK registered for the offences punishable under Section 7 of Prevention of Corruption Act, 1988 as amended in PC (Amendment) Act, 2018. A trap was laid allgedly for demanding bribe by the petitioner for changing a wrong entry made in the patta of the *de-facto* complainant. When he was receiving bribe amount, he was caught red-handed. He is in judicial custody from 12.07.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, *de-facto* complainant approached the petitioner for



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changing certain mistakes that had crept into his patta and petitioner demanded a sum of Rs.15,000/- for effecting corrections. When *de-facto* complainant expressed his inability to pay Rs.15,000/-, petitioner reduced the amount to Rs.10,000/-. *De-facto* complainant not willing to pay the amount, approached the vigilance department. Therefore, a trap was laid and petitioner was caught red-handed when receiving the bribe amount. The trap ended successfully.

4. Considering the fact that petitioner's trap ended in successful, the bribe amount was recovered and that material witnesses are official witnesses and that petitioner is now suspended, this Court is of the view that petitioner may be released on bail on certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on her 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 P.C. Act Cases/Chief Judicial Magistrate at Villupuram and Villupuram District**, and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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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 10.00.a.m., until further orders.

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

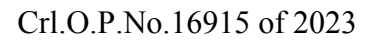
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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.

31.07.2023

mpl



1.The Special Court for P.C. Act Cases/
Chief Judicial Magistrate at Villupuram
and Villupuram District.

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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