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Crl.OP.No.17623 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.OP.No.17623 of 2023

K.Nagarathinam

...Petitioner

Vs.

The State Rep by
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri.
(Crime No.3/AC/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 the case in Crime No.3/AC/2023 pending investigation on the file of the respondent herein.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 24.06.2023 for the offence punishable under Section 7 (a) of the Prevention of Corruption Act, 1988, in Crime No.3/AC/2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is Block Development Officer, (B.P), Panchayat Union, Thally, Krishnagiri District. He is implicated as accused in Crime No.3/AC/2023 for the offence under Section 7 (a) of the Prevention of Corruption Act, 1988. He is in judicial custody from 24.06.2023. He was suspended on 28.06.2023. He is on the verge of his retirement, when this case was registered against him. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that defacto-complainant planned to extend his Jay Kay Engineering and Manufacturing Industries. While applying for the plan approval, he was informed that he has to obtain link road certificate from Block Development Officer. He submitted an application in the name of his father on 17.05.2023 to one Puttana, who is the assistant in Block Development Officer's office. Puttana demanded a sum of Rs.40,000/-



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initially and then reduced it to Rs.30,000/-. Puttana informed that Rs.25,000/- has to be given to BDO and his staff and remaining Rs.5000/- is for him. Defacto-complainant, not willing to give bribe, gave a complaint. On a trap set up on 23.06.2023, defacto-complainant visited BDO office with money. When he met BDO namely petitioner, he specifically asked about the money asked by him and then, only after showing the money, certificate was given. He was caught red handed. Phenolphthalein test was conducted. All the three accused had tested positive. Thus, he opposed this petition.

4.Considered the rival submissions and perused the records.

5.It is a trap case ended successful. The material witnesses in this case are official witnesses. Petitioner is on the verge of his retirement. He is now suspended. He is in judicial custody for about fifty days and that material part of investigation in this case might have been completed by this time. Thus, this Court is inclined to grant bail to the petitioner with conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/-** (Rupees Ten Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Special Judge cum Chief Judicial Magistrate, Krishnagiri**, 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 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



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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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To

- 1.The Special Judge Cum
Chief Judicial Magistrate, Krishnagiri.
- 2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri.
- 3.Sub Jail, Dharmapuri
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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