



CrI.OP.No.19063 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

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THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.19063 of 2023

Tr.M.Puttanniah

...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 pending investigation in Crime
No.3/AC/2023 on the file of the respondent herein.

For Petitioner : Mr.S.Doraiswamy

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, (Amendment) Act 2018 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 Assistant to 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. 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 the petitioner, who is the assistant in Block Development Officer's office. Petitioner demanded a sum of Rs.40,000/- initially and then reduced it to Rs.30,000/-. He informed that Rs.25,000/-



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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 Nagarathinam, 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 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.

6. Accordingly, the petitioner is ordered to be released on bail on



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



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