



Crl.O.P.No.21958 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.21958 of 2023

M.Kalaiselvan

...Petitioner

Vs.

State represented by
The Inspector of Police,
V & AC, Kallakurichi,
(Crime No.4 of 2023)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.4/2023 on the file of the respondent police.

For Petitioner : Ms.R. Poornima

For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.09.2023 for the offence punishable under Section 7 of Prevention of Corruption Act, in Crime No.4 of 2023 on the file of the respondent police, seeks bail.



Crl.O.P.No.21958 of 2023

WEB COPY

2. The case of the prosecution as per the defacto complainant is that the petitioner herein, who is a Village Administrative Officer, has demanded a sum of Rs.2,500/- for recommending mutation of patta for the property purchased by the defacto complainant at Survey No.149/4 measuring 0.36 cents at Irunthai Village, Ulundurpet Taluk. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there is no demand and acceptance by the petitioner with the defacto complainant. He further submitted that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) stated that the petitioner has demanded Rs.2,500/- for transfer of patta of a property purchased by the defacto complainant. He further stated that on the side



Crl.O.P.No.21958 of 2023

of the respondent, the trap proceeding was successful. However, the entire issue has to be proved during the course of trial. He vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances and also the submission made by the learned counsel for the petitioner and the period of incarceration by the petitioner from 05.09.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions.

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



Crl.O.P.No.21958 of 2023

[b] the petitioner shall report before the respondent police everyday at 10.30 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.

03.10.2023

mps/ata



Crl.O.P.No.21958 of 2023

WEB COPY

To

- 1.The Special Court for Prevention of Corruption Act Cases,
Villupuram.
- 2.The District Jail,
Villupuram.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21958 of 2023

C.V.KARTHIKEYAN. J.

ata/mps

Crl.OP.No.21958 of 2023

03.10.2023