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CrI.OP.No.27325 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2023

CORAM

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

CrI.OP.No.27325 of 2023

Allah Bagash

...Petitioner

Vs.

State represented by,
The Inspector of Police,
Vigilance & Anti-Corruption Wing,
Salem District.
Crime No.9/AC/2023.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in FIR in Crime No.9/AC/2023
on the file of the respondent police.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal side)



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CrI.OP.No.27325 of 2023

ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 21.10.2023 in Crime No.9/AC/2023 for the offences punishable under Sections 7(a), 7(b) and 12 r/w 7(a) of the Prevention of Corruption Act, 1988 (as amended in 2018) on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner had been remanded to custody on 21.10.2023. He further stated 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.

3. The petitioner had earlier filed a petition seeking anticipatory bail in CrI.O.P.No.24332 of 2023 and the same was dismissed by this Court on 20.10.2023 and direction was also issued to secure the petitioner. The petitioner was arrested on 21.10.2023.



CrI.OP.No.27325 of 2023

WEB COPY

4.It is stated that the petitioner had demanded a bribe of Rs.1,40,000/-. He was working as Sub Registrar.

5.The learned counsel for the petitioner pointed out that it was only a demand and ever before a trap could be set, the FIR had been registered.

6.Taking into consideration the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions.

7. 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 Vigilance & Anti-Corruption, Salem**, 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.



CrI.OP.No.27325 of 2023

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

05.12.2023

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CrI.OP.No.27325 of 2023

WEB COPY

To

1. The Special Court for Vigilance & Anti-Corruption, Salem.
2. The Inspector of Police,
Vigilance & Anti-Corruption Wing,
Salem District.
3. Central Prison, Salem.
4. The Public Prosecutor,
Madras High Court.



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Crl.OP.No.27325 of 2023

C.V.KARTHIKEYAN, J.

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Crl.OP.No.27325 of 2023

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