



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.80 of 2023

G.Ponraj

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Vigilance & Anti Corruption Wing,
Virudhunagar.
(Crime No.6/2022).

... Respondent/Complainant

For Petitioner : M/s.Mariappan G, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

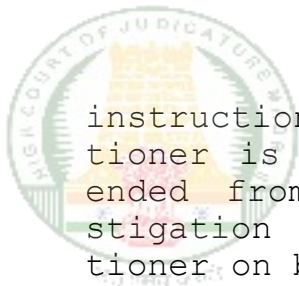
For Bail in Crime No.6 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 13.12.2022, for the offence punishable under Sections 7 and 12 of Prevention of Corruption Act, 1988 in Crime No. 6 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Prithivirajan is that the accused, who are respectively Village Administrative Officer and Village Assistant have demanded Rs.10,000/- for issuance of joint patta in his favour. Since the defacto complainant was not ready to give bribe, he gave a complaint before the respondent Police and trap was arranged. During the trap, the petitioner was caught red handed, while receiving the bribe and was arrested

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Since he is a Village Assistant, he is working as per the



instructions of his superior and received the amount. The petitioner is in judicial custody from 13.12.2022 and now, he is suspended from his service. In this case major part of the investigation has been completed. Hence, prays to release the petitioner on bail.

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4. The learned Additional Public Prosecutor would submit that the accused persons have demanded bribe from the defacto complainant for issuance of joint patta and as per the complaint given by the defacto complainant, the petitioner was caught red handed, at the time of receiving bribe. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) 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 learned **Chief Judicial Magistrate, Virudhunagar District at Srivilliputur**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent Police daily at 10:30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;



CRL OP/ML



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(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-

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04/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 3 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION WING,
VIRUDHUNAGAR.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.MARIAPPAN G, Advocate (SR-96[I] dated 04/01/2023)

ORDER

IN

CRL OP(MD) No.80 of 2023

Date :04/01/2023

RS/VR/SAR.2(04.01.2023) 3P-6C