



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 05/01/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.116 of 2023

Veerapandian

... Petitioner/Accused No.2

Vs

The State Rep. by,  
The Inspector of Police,  
Vigilance and Anti Corruption,  
Theni District.  
in Crime No.07/2022.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,  
Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

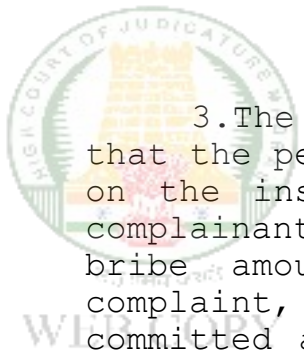
PRAYER :-

For Bail in Crime No.07 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 15.12.2022 for the offence under Sections 7 and 12 of Prevention of Corruption (Amendment) Act, 2018 in Crime No.7 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant had approached the first accused, who is working as a Firka Surveyor, on 20.09.2022 at about 02.30 p.m., for getting a patta transfer and the first accused had demanded Rs.15,000/- as bribe for subdivision and patta transfer and later, on 14.12.2022, the de-facto complainant once again approached the first accused and he had reduced the bribe amount to Rs.14,000/-. The de-facto complainant did not want to give the bribe, hence, he had approached the respondent and thereby, based on the complaint, a trap proceeding was arranged and during the trap, the petitioner, who is an Assistant of the first accused, was caught red handed while receiving the bribe. Hence, the case.



3.The learned counsel appearing for the petitioner would submit that the petitioner is a temporary staff working under A1 and he had on the instructions of A1, had received cover from the de-facto complainant, other than that the petitioner was not aware of the bribe amount. He would further submit that even as per the complaint, the demand was made by A1 and the petitioner has not committed any offence. He would further submit that the petitioner has been arrested on 15.12.2022 and the major part of the investigation is also over. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the temporary Assistant working under A1 and A1 has demanded bribe of Rs.14,000/- from the de-facto complainant and based on the complaint given by the de-facto complainant, the trap proceeding was arranged and on the instructions of A1, the petitioner had received the cover and during the trap, he was caught red hand at the time of receiving bribe and hence, he would oppose for grant of bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

**(\*) [a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Theni, and on further conditions that:**

[b] 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.

[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].



[h] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-  
05/01/2023

(\*) (Modified as per order of this Hon'ble Court in CRL OP(MD).116 of 2023 dated 06.01.2023)

/ TRUE COPY /

06/01/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

TO

**TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 05.01.2023**

1. THE JUDICIAL MAGISTRATE,  
THENI.
2. THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
3. THE OFFICER-INCHARGE,  
DISTRICT JAIL, THEKKAMPATTI,  
THENI DISTRICT.
4. THE INSPECTOR OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SUSI KUMAR C, Advocate ( SR-197[I] dated 05/01/2023 )

ORDER  
IN  
CRL OP(MD) No.116 of 2023  
Date :05/01/2023

USK/VR/SAR- /05.01.2023/3P/7C  
**RS/VR/SAR. (06.01.2023) 3P-7C**