



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2023

PRESENT

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

CRL OP(MD). No.314 of 2023

Selvarangan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Vigilance & Anti Corruption,
Theni
(Crime No.7 of 2022).

... Respondent/Complainant

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s.Apn Law Associates,
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

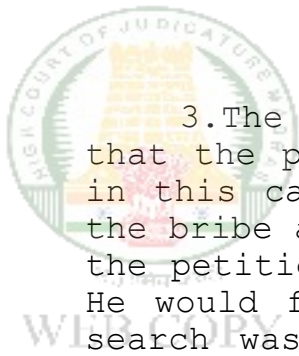
PRAYER :-

For Bail in Crime No.7 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 15.12.2022 for the offence under Sections 7 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 accused person 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 innocent and he has been falsely implicated in this case. He would further submit that as per the prosecution the bribe amount is stated to have been received by the assistant of the petitioner and the petitioner has no role in the alleged crime. He would further submit that after arrest of the petitioner house search was conducted and during search no incriminating materials were recovered from the petitioner. He would further submit that the petitioner has been arrested on 15.12.2022 and the major part of the investigation is also over. He would further submit that A2 was granted bail by this Court on 05.01.2023 in Crl.O.P(MD) No.116 of 2023. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the A2 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 only on the instructions of this petitioner, A2 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 and also the fact that co-accused has been released on bail by this Court, 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 /Special Judge for PC Act Cases, Theni District, 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.

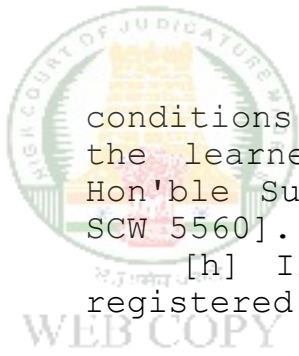
[c] the petitioner shall report before the respondent police daily at 10.30 A.M., until further orders.

[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 or 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 FIR can be registered under Section 229A IPC.

sd/-

06/01/2023

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06/01/2023

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

AAV

TO

1 THE CHIEF JUDICIAL MAGISTRATE/SPECIAL JUDGE FOR PC ACT CASES,
THENI DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT PRISON, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-348[I] dated
06/01/2023)

ORDER

IN

CRL OP(MD) No.314 of 2023

Date :06/01/2023

RS/SSS/SAR.(06.01.2023) 3P-6C