



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

Date : 12/01/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.707 of 2023

K.Mahendhiran

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur District.
(Crime No.08 of 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.8 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 30.12.2022 for the offence under Section 7(a) of Prevention of Corruption (Amendment) Act, 2018 in Crime No.8 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is working as a Business development Manager at Medgenome Labs Ltd, Trichy and his father died in the year 2009. His father had settled the property to his four sons including the defacto complainant. In the later point of time, the mother and sister of the defacto complainant claimed shares in the property. Since the defacto complainant and his brother did not accept their claim, on 02.12.2022 his mother had lodged a complaint against them in Tamil University Police Station at Thanjavur. Based on the same, the petitioner said to have contacted him over phone and instructed them to appear for enquiry. Accordingly the defacto complainant and his two brother have appeared and co-operated for enquiry. Thereafter on



the same day, the petitioner contacted the defacto complainant and informed that he has registered a non bailable case against them. On 06.12.2022 the petitioner have informed them that he has closed the FIR as mistake of fact and directed them to meet the petitioner. Thereafter on 27.12.2022 at 7.15 am., the petitioner contacted the defacto complainant and demanded bribe amount of Rs.20,000/- to close the First Information Report. Subsequently the defacto complainant expressed his inability and thereby the petitioner reduced the bribe amount from Rs.20,000/- to Rs.10,000/-. Since the defacto complainant is not willing to pay the amount he has given the complaint. 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 there is a dispute between the defacto complainant and his family members and since the petitioner has taken action against the defacto complainant he had given false complaint, based on which the petitioner was arrested. 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 30.12.2022 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 who is a police officer had demanded bribe amount of Rs.20,000/- for closing the case against him and later he had reduced the demand to Rs.10,000/- and the defacto complainant not willing to pay the bribe had given complaint to the police based on which trap proceeding was arranged and during the trap, he was caught red handed 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 major part of the investigation is over 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 Thanjavur and on further conditions that:



[b] the sureties shall affix their photographs and Leave 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 FIR can be registered under Section 229A IPC.

sd/-

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

AAV

TO

1. THE JUDICIAL MAGISTRATE, THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.707 of 2023

Date :12/01/2023

USK/SSS/SAR- /12.01.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>