



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.729 of 2023

M.Murugan,

... Petitioner/Accused No.1

Vs

State Rep.by

The Inspector of Police,

Virudhunagar Vigilance and Anticorruption,

Virudhunagar District

(Crime No.7 of 2022).

... Respondent/Complainant

For Petitioner : M/s. D.Ramya, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory 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 apprehends arrest at the hands of the respondent police for the offences punishable under Section 7 of Prevention of Corruption Act, 1988 as amended in 2018, in Crime No.7 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The defacto complainant is a doctor and he is running a hospital in the name of Jawahar Trauma Care Centre at Rajapalayam. The case of the prosecution is that A1 on 28.12.2022 said to have demanded a bribe amount of Rs.10,000/- from the defacto complainant for sending inspection report in favour of him. Since the defacto complainant was not willing to pay the amount, he has given the complaint. Based on the complaint, a trap proceeding was arranged on 29.12.2022 and during the trap, the petitioner who is the Assistant of A1 had received the bribe amount and on seeing the police, fled away from the scene of occurrence. Later, A2 was arrested on 03.01.2023. Hence the case.

<https://www.mca.gov.in>



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that A2 in this case, is the person, who has gone to receive the bribe amount and on seeing the police party, he has went away from the scene of occurrence. Later, he has been arrested and he has also been released on bail by this Court in Crl.O.P.(MD)No.1495 of 2023, dated 25.01.2023. He would further submit that the allegation against the petitioner is that he has only demanded the amount and other than that, no other allegation is against the petitioner. He would further submit that the custodial interrogation of the petitioner may not be required and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioner is arrayed as A1 and he had demanded a bribe amount of Rs.10,000/- from the de-facto complainant for sending a favourable report to the higher officials. He would further submit that pursuant to the complaint lodged by the de-facto complainant, a trap proceeding was laid and on the instructions of the petitioner, A2 had gone to the office of the de-facto complainant to receive the amount and on seeing the police, he escaped from the scene of occurrence and thereafter, he was arrested on 03.01.2023. However, he would further submit that the custodial interrogation of the petitioner may not be required and that the petitioner may be directed to appear before the respondent police for the purpose of interrogation.

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

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Chief Judicial Magistrate, Special Judge for PC Act Cases, Srivilliputhur, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 confirm their identity.



[b]the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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.

sd/-
31/01/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE
SPECIAL JUDGE FOR PC ACT CASES,
SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
VIRUDHUNAGAR VIGILANCE AND ANTI CORRUPTION,
VIRUDHUNAGAR DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. D.RAMYA Advocate SR.No.1527(I)

ORDER
IN
CRL OP(MD) No.729 of 2023
Date :31/01/2023