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CRL OP(MD).



23

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

Date : 25/01/2023

PRESENT

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

CRL OP(MD) . No.1495 of 2023

Perumal @ Mayaperumal

... Petitioner/2nd Accused

Vs

The state rep.by
The Inspector of Police,
Virudhunagar Vigilance and Anti Corruption,
Virudhunagar District.
(Crime No.07/2022).

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu G,
Advocate.

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

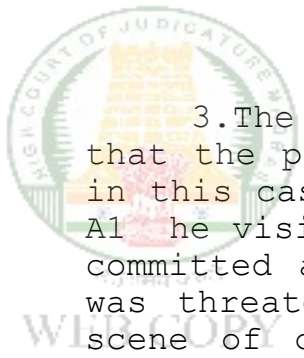
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime no.07/2022 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 03.01.2023 for the offence under Section 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 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 the petitioner was arrested on 03.01.2023.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 direction of A1 he visited the place and other than that the petitioner has not committed any offence. He would further submit that the petitioner was threatened by the respondent and thereby he escaped from the scene of occurrence and later he was arrested. He would further submit that even as per the prosecution the main allegations are made as against A1 who said to have demanded bribe amount of Rs.10,000/- from the defacto complainant. He would further submit that the petitioner has been arrested on 03.01.2023 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 A2 and he along with A1/ Assistant Inspector in Labour Department had demanded bribe amount of Rs.10,000/- from the defacto complainant for sending inspection report in favour of him. Pursuant to the complaint lodged by the defacto complainant trap was laid and the petitioner who had gone to the office of the defacto complainant had received the bribe amount and on seeing the police he escaped from the scene of occurrence and thereafter he was arrested on 03.01.2023 and hence, he would oppose for grant of bail. He would further submit that the tainted money was also recovered.

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.10,000/- (Rupees Ten 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, Srivilliputhur 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 FIR can be registered under Section 229A IPC.

sd/-

25/01/2023

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25/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE/
SPECIAL JUDGE FOR PC ACT CASES,
SRIVILLIPUTHUR.
 - 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
 - 4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR VIGILANCE AND ANTI CORRUPTION,
VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.THALAIMUTHARASU G Advocate SR.No.1180.

ORDER

IN

CRL OP(MD) No.1495 of 2023

Date :25/01/2023

AAV

MK/SSS/SAR (25.01.2023) 3P 7C