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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5262 of 2023

Ramachandran

... Petitioner/Sole Accused

Vs

The State rep.by,
The Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Tirunelveli, Tirunelveli District.
(Crime No.2/2023) .

... Respondent/Complainant

For Petitioner : M/s.Palani Velayutham S,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 13(1)(b) of Prevention of Corruption Act in Crime No. 2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case has been registered against the petitioner herein who is working as a Deputy Tahsildhar for the disproportionate assests to him under the Prevention of Corruption Act in the month of January 2023 and during search they found 7 ½ lakh excess assests in his name disproportionate to his income.

3. Heard both side and perused the materials available on <https://www.mca.gov.in/> including the First Information Report.



4. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that it is case of disproportionate assets, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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 Special Judge, Special Court for Conducting enquiry under Prevention of Corruption Act, Tirunelveli, Tirunelveli District 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 ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., and 5.30 pm., for a period of four weeks and thereafter as and when required for interrogation.

[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/-

21/03/2023

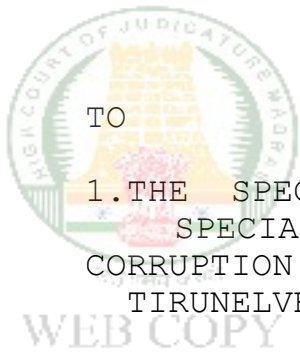
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

aav

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



TO

1.THE SPECIAL JUDGE,
SPECIAL COURT FOR CONDUCTING ENQUIRY UNDER PREVENTION OF
CORRUPTION ACT,
TIRUNELVELI, TIRUNELVELI DISTRICT.

2.THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
TIRUNELVELI, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-4668[I] dated
21/03/2023)

ORDER
IN
CRL OP(MD) No.5262 of 2023
Date :21/03/2023

RK/SBN/SAR-3(28/03/2023) 3P/5C