



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

Date : 05/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8599 of 2023

Manimuthu

... Petitioner / Accused

Vs

State represented by
The Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai District.
(Crime No.03 of 2023.)

...Respondent / Complainant

For Petitioner : M/s Krishnaveni.P, Advocate.

For Respondent : Mr.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

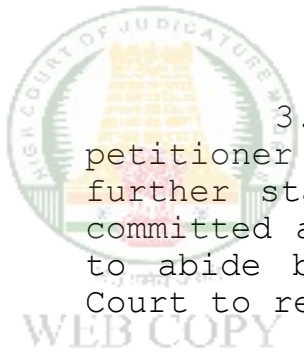
PRAYER :-

For Bail in Crime No.03/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 20.04.2023, in Crime No.3 of 2023, on the file of the respondent police for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988, seeks bail.

2. The allegation against the petitioner is that when the defacto complainant, namely Thangaraj approached the petitioner/accused for getting building plan approval for the construction of his new house with necessary documents, the petitioner/accused, being a Panchayat Secretary of Poosalaagudi Panchayat demanded a sum of Rs.1,000/- as bribe. Hence, the Defacto complainant has made a complaint as against the petitioner, based on which, a case in Crime No.3 of 2023 has been registered as against the petitioner, for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and he was arrested on



3. On the side of the petitioner, it is stated the petitioner is in judicial custody for the past 13 days. It is further stated that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he is ready to abide by any condition imposed by this Court and prayed this Court to release the petitioner on bail.

4. On the side of the prosecution, it is stated that the investigation is in the initial stage. It is a trap case and hence custodial interrogation is necessary. If the petitioner is released on bail, he may tamper the witnesses. The learned Additional Public Prosecutor strongly opposes to release the petitioner on bail.

5. It is seen that the petitioner has filed a bail petition before the Special Court for trial of cases under the prevention of Corruption Act, Sivagangai in Cr.M.P.No.115 of 2023 and the same was dismissed on 28.04.2023. Considering the facts and circumstances of this case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.3 of 2023 before the Special Court for trial of cases under the Prevention of Corruption Act, Sivagangai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for trial of cases under Prevention of Corruption Act, Sivagangai District, and on further conditions that:

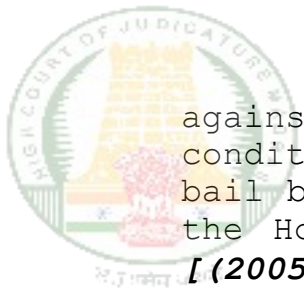
i. the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii. the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

iii. the petitioner shall not tamper with evidence or witness;

iv. the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

v. On breach of any of the aforesaid conditions, the learned Judge/Trial Court is entitled to take appropriate action



against the petitioner in accordance with law as conditions have been imposed and the petitioner released on bail by the learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

vi.If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/05/2023

/ TRUE COPY /

05/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

To

1.The Chief Judicial Magistrate and Special Judge (FAC),
Special Court for Trial of Cases under Prevention of Corruption Act,
Sivagangai.

2.The Inspector of Police,
Vigilance and Anti-Corruption,
Sivagangai District.

3.The Officer Incharge,
District Jail, Sivagangai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.KRISHNAVENI.P, Advocate (SR-7210[I] dated 05/05/2023)

ORDER
IN
CRL OP(MD) No.8599 of 2023
Date :05/05/2023

ED/VR/SAR- (05/05/2023) 3P 6C