



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.06.2023

PRESENT

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

CRL OP(MD)No.9889 of 2023

1.Nachiyappan
2.Sangar Ganesh

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Sivagangai Detachment.
(Crime No.04 of 2023)

... Respondent/Complainant

For Petitioners : Mr.A.Balaji, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.04 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 16.05.2023 for the offences under section 7 of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (amendment) Act, 2018 in Crime No.04 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that on 09.05.2023, the defacto complainant went to the office of the first petitioner for effecting name transfer in the house tax assessment. At that time, the first petitioner has demanded Rs.15,000/- as bribe for effecting name transfer. Since the said amount was very huge, the defacto complainant met the first petitioner once again on 11.05.2023, then the alleged demand was scaled down to raise Rs.13,000/-. The defacto complainant was not willing to yield for the demand and hence, he made a complaint on 12.05.2023. The petitioners were trapped on 16.05.2023 while they were receiving bribe money.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. According to the case of the prosecution, the petitioners demanded Rs.15,000/- as bribe for effecting name transfer of house tax of the defacto complainant. Thereafter, they also received Rs.13,000/- and caught red-handedly under trap on 16.05.2023.

5. Taking into consideration of the facts and also the period of incarceration, this court is inclined to grant bail to the petitioners on condition that the first petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) directly to the defacto complainant by way of Demand Draft within a period of two weeks from the date of receipt of a copy of this order and shall produce the receipt/acknowledgment before the learned Special Judge for Prevention of Anticorruption Act Cases, Sivagangai, failing which, the bail granted to the petitioners shall stand cancelled automatically.

[a] On such production of receipt/acknowledgment, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Judge for Prevention of Anticorruption Act Cases, Sivagangai 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 petitioners shall report before the respondent police daily at 10.30 A.M. for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



CRL OP(MD)



23

[h] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-

07/06/2023

/ TRUE COPY /

/06/2023

WEB COPY

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

GNS

TO

- 1 THE SPECIAL JUDGE FOR PREVENTION OF ANTICORRUPTION ACT CASES,
SIVAGANGAI DISTRICT.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI DETACHMENT, SIVAGANGAI.
- 3 THE OFFICER INCHARGE, SUB JAIL, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-8239[I] dated 07/06/2023)

+1 CC to M/s.A.BALAJI, Advocate (SR-8329[I] dated 08/06/2023)

ORDER

IN

CRL OP(MD) No.9889 of 2023

Date :07/06/2023

RS/VR/SAR-(07.06.2023) 3P 7C