



CRL OP(MD). No.19676 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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M.Thennarasu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Vigilance and Anti-Corruption,
Ramanathapuram District.
Crime No. 10 of 2023

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulinga Bharathi,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.10 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole Accused, who was arrested and remanded to judicial custody on 05.10.2023 for the alleged offence punishable under caption 7(a) of Prevention of Corruption Act (Amendment Act, 2018) in Crime No.10 of 2023, on the



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file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner was working as Thasildar. On 21.09.2023, at about 04.00 p.m, the defacto complainant approached the petitioner regarding the issuance of patta in the name of his partner. For that, the petitioner demanded Rs.4 lakhs from the defacto complainant as bribe. Again, on 04.10.2023, he demanded Rs.3 lakhs as bribe and Rs.1 lakh as advance. Hence, the defacto complainant lodged a complaint before the respondent police. The Trap Laying Officer has arranged pre-trap proceedings and secured the petitioner with tainted currency on 05.10.2023 and recovered a sum of Rs.45,75,000/- and some documents from there. Hence, the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 05.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was arrested for committing the offence under Prevention of Corruption Act and non-accountable amount of Rs.45,75,000/- and some documents were recovered from him. Hence, the strongly objected to grant bail.

5.Considering the facts and circumstances and also considering the period of



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incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 Special Court for Trial of Prevention of Corruption Act Cases, Ramanathapuram, and on further conditions that:

(ii) 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;

(iii) the petitioner shall appear before the Special Court for Trial of Prevention of Corruption Act Cases, Ramanathapuram, as directed by the trial Court.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) 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



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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].

(vii)If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
06/12/2023

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06/12/2023

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

dss
TO

1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF PREVENTION OF CORRUPTION ACT CASES,
RAMANATHAPURAM DISTRICT.

2 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI-CORRUPTION,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-17334[I] dated
06/12/2023)



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ORDER IN
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Date :06/12/2023

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Madurai Bench of Madras High Court is issuing
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