



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

Date : 05/01/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.131 of 2023

Umavathi

... Petitioner/Accused No.1

Vs

The State Rep. by,  
The Deputy Superintendent Of Police,  
Vigilance and Anti Corruption,  
Virudhunagar.  
Crime No. 6 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Malaikani.S,  
Advocate.

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

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

PRAYER :-

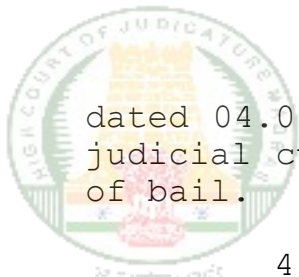
For Bail in Crime No.6 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 13.12.2022, for the offence punishable under Sections 7 and 12 of Prevention of Corruption Act, 1988 in Crime No.6 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Prithivirajan is that the accused, who are respectively Village Administrative Officer and Village Assistant have demanded Rs.10,000/- for issuance of joint patta in his favour. Since the defacto complainant was not ready to give bribe, he gave a complaint before the respondent Police and trap was arranged. During the trap, the petitioner was caught red handed, while receiving the bribe and was arrested.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A2 has already been arrested and released on bail by this Court in Crl.O.P.(MD)No.80 of 2023,



dated 04.01.2023. He would further submit that the petitioner in judicial custody from 13.12.2022 and hence, he would seek for grant of bail.

4.The learned Additional Public Prosecutor would submit that the accused persons have demanded bribe from the defacto complainant for issuance of joint patta and as per the complaint given by the defacto complainant, the petitioner was caught red handed, at the time of receiving bribe. Hence, he strongly opposed to grant bail to the petitioner.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and the co-accused has already been released on bail, this Court is inclined to grant bail to the petitioner on certain 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, Virudhunagar District at Srivilliputtur**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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]**;



WEB COPY

CRL OP(MD)



23

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
05/01/2023

/ TRUE COPY /

05/01/2023

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

SJI

TO

1. THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
2. THE OFFICER-INCHARGE,  
SPECIAL PRISON FOR WOMEN, MADURAI.
3. THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI CORRUPTION,  
VIRUDHUNAGAR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MALAIKANI.S, Advocate ( SR-208[I] dated 05/01/2023 )

ORDER  
IN  
CRL OP(MD) No.131 of 2023  
Date :05/01/2023

USK/VR/SAR- /05.01.2023/3P/6C