



Crl.O.P.Nos.3545 & 2265 of 2024

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C.V.KARTHIKEYAN. J.

A1 has filed Crl.O.P.No.3545 of 2024 seeking bail and A2 has filed Crl.O.P.No.2265 of 2024 seeking anticipatory bail, both in Crime No.13/AC/2023 registered by the respondent Police for the offences under Section 7(a) of the Prevention of Corruption Act, 1988 as amended in 2018.

2. There are totally three accused. A1 is working as a Head Constable in Civil Supplies CID, Salem Unit, A2 is working as a Constable in the same Department. A3 is a private person.

3. It is stated that the defacto complainant against whom there are two previous cases, was a dealer in rice meant for public distribution. It is stated that A1 and A2 had demanded a bribe of Rs.20,000/- as mamool, to ensure that the defacto complainant continues to do his business without any interference from the police officials. It is contended that A1 demanded a sum of Rs.20,000/- over phone. Thereafter, it is further stated that as a first installment, the defacto complainant was directed to pay a sum of Rs.10,000/-. It is the further



case of the prosecution that the defacto complainant had paid the said sum of Rs.10,000/- to A2. Thereafter, there was further demands for the balance amount of Rs.10,000/-. At this point of time, the defacto complainant had informed the same to the respondent who arranged a trap laying team. Accordingly, a trap was laid. On 20.12.2023, according to instructions, the trap laying team made necessary preparation and it was found that the defacto complainant was instructed by A3 over phone to pay the balance Rs.10,000/- to him and when that was paid, the trap laying team successfully secured A3. On the basis of his confession, A1 had been arrested. A2 however is absconding. These are the brief facts of the case of the prosecution.

4.It is the contention of the learned counsels for A1 and A2 that there are two previous cases as against the defacto complainant and therefore, the Court should view his complaint of demand of bribe with skewed eyes. The details of the previous cases had also been given.

5.But however, in this case, he is not the accused. He stands before this Court as defacto complainant/ witness. It is alleged that it is A1 and A2 who had so demanded the bribe and on one occasion, part of the



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amount was paid to A2 and for the balance, there was a further demand and that was paid to A3. At that time, the trap laying officer had successfully caught A3 red handed with possession of tainted money. Necessary procedures, so far as the trap laying operation is concerned, had been done by recording the observation mahazar and the recovery mahazar. There were also two private witnesses for the entire operation.

6. Investigation could not be completed only because A2 is absconding.

7. In view of these facts, since the offence is quite serious and it will have to be examined whether there has been earlier demands to any other dealers of similar nature who conduct nefarious business of distributing rice meant for public distribution, I am not inclined to grant bail to A1 and not inclined to anticipatory bail to A2.

8. Hence, these Criminal Original Petitions are dismissed.

21.02.2024

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