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Crl.O.P.No.20402 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.20402 of 2024

Sivakumar

...Petitioner

Vs.

State represented by,
The Inspector of Police
Vigilance & Anti Corruption
Thiruvallur
(Crime No.9 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.9 of 2024 on the file of respondent police.

For Petitioner : Mr.A.Vijayasankar

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2024 for the offence under Section 7 of Prevention of Corruption (Amendment) Act, 2018, in Crime No.9 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant applied a loan at District Industries Centre, SIDCO for a sum of Rs.50,000/-. The petitioner is working as Assistant in the said Centre and demanded bribe of Rs.2,500/- from the de-facto complainant for sanctioning the loan, hence, he lodged a complaint against the petitioner. Hence, the case.

3. The learned counsel for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Further, he submits that the petitioner being a senior citizen, he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Criminal side) appearing for the



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respondent police would submit that the investigation is almost completed. He further submitted that as a public servant, engaging in bribery is grave offence. Hence, he strongly opposes granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, the nature of offence, and taking into consideration of the period of incarceration undergone by the petitioner and investigation is completed and no other previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 at Thiruvallur*, and on further conditions that:

[a] the petitioner shall report before the



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**learned Chief Judicial Magistrate at
Thiruvallur, on all working days at 10.30
a.m., until further orders.**

- [b] the petitioner shall not abscond either during investigation or trial;
- [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d] 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 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 229A of the IPC.

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dhk

To



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1.The Chief Judicial Magistrate
Thiruvallur

2.The Sub Jail, Thiruvallur

3.The Inspector of Police
Vigilance & Anti Corruption
Thiruvallur

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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