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CrI.O.P.No.21941 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

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THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.21941 of 2024

P. Nagarajan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Thiruvarur
(Crime No. 02 of 2024). ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., to
enlarge the petitioner on bail in Crime No.02 of 2024 on the file of the
Respondent police

For Petitioner : Mr.K.M. Subramaniam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 16.08.2024, for the alleged offence punishable under Sections 7 of the
Prevention of Corruption (amended) Act 2018 in Crime No.02 of 2024, on



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the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner said to have demanded and received Rs.12,000/- as illegal gratification. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody from 16.08.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner said to have demanded and received Rs.12,000/- as illegal gratification. He further submitted that the first remand period was over and the petitioner has no previous cases, pending against him. However, he opposed to grant bail to the petitioner.

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



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including the First Information Report.

6.Considering the submissions of the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and considering that the petitioner has no previous cases pending against him and that the first remand period was completed and custodial interrogation is not required also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain 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 Chief Judicial Magistrate Court, Tiruvarur , and on further conditions that:-

[a] the petitioner shall report before the Chief Judicial Magistrate Court, Tiruvarur on all working days at 10.30 a.m., until further orders; the petitioner is also directed to appear before the respondent police as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.



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[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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To

1.The **Chief Judicial Magistrate Court, Tiruvarur**

2. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Thiruvarur

3.The Sub Jail, Nagapattinam

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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