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CRL O.P. No.22269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22269 of 2024

Sarathkumar

... Petitioner / Accused - 2

Vs

State rep. by
The Inspector of Police,
Vigilance and Anti Corruption,
Villupuram.

(Crime No.08 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.08 of 2024, on the file of the respondent.

For Petitioner : Mr.K.Rahul

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.08.2024 for the offences punishable under Section 7 of Prevention of Corruption Act, 1988 (Amended Act, 2018) and subsequently altered to Sections 7 and 12 of Prevention of Corruption Act, 1988 (Amended Act 2018), in Crime No.08 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have demanded and accepted Rs.4500/- as illegal gratification from the defacto complainant for obtaining patta to the defacto complainant. Hence, the case.

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 the petitioner has nothing to do with the alleged offence committed by A1. He would further submit that there is no previous case against the petitioner and the petitioner has been in



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custody from 29.08.2024. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner has demanded and accepted Rs.4500/- from the defacto complainant as illegal gratification for obtaining patta to the defacto complainant. He would further submit that there is no previous case against the petitioner. However, he raised serious objections to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences charged against the petitioner and that the petitioner is not a Government servant and considering that no previous case is pending against the petitioner and that the number of days of incarceration undergone by the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Special Court for Prevention of Corruption Act, Villupuram**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To
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- 1.The Special Court for Prevention of Corruption Act, Villupuram.
- 2.The Inspector of Police,
Vigilance and Anti Corruption,
Villupuram.
- 3.District Jail, Vedambattu, Villupuram.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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