



WEB COPY



Crl.O.P.No.22520 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22520 of 2024

Saraswathi

...Petitioner/Accused

Vs.

State represented by:
The Station House Officer
V & AC, Police Station, Kallakurichi
(Crime No.04 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.4 of 2024 on the file of respondent police.

For Petitioner : Ms.R.Poornima

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

ORDER



CrI.O.P.No.22520 of 2024

The petitioner, who was arrested and remanded to judicial custody on 21.08.2024 for the offence under Section 7 (c) and 12 r/w 7 (c) of the Prevention of Corruption Act, 1998, in Crime No.04 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused demanded a bribe of a sum of Rs.1,500/- (Rupees Thousand Five Hundred only) from the defacto complainant for the death certificate of the defacto complainant's son. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, she has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. She further submitted that the petitioner is not a Government staff and she used to write petitions for laymen and villagers who approached the Tashildar office; that she has been in custody since 21.08.2024; that the petitioner is a law-abiding citizen; that she is ready to furnish substantial sureties for her due release on bail; and therefore, she prays for the grant of bail to the petitioner

4. Learned Government Advocate (CrI.Side) submitted that the



CrI.O.P.No.22520 of 2024

petitioner and other accused demanded a bribe of a sum of Rs.1,500/- from the defacto complainant for a death certificate; that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences charged against the petitioner, that the petitioner is not a Government servant, that there are no previous cases pending against the petitioner, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 learned *Chief Judicial Magistrate, Kallakurichi*, and on further conditions that:



WEB COPY



CrI.O.P.No.22520 of 2024

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which she is accused, or suspected, or of the commission of which she 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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.



WEB COPY

dk



CrI.O.P.No.22520 of 2024

12.09.2024

To

- 1.The Chief Judicial Magistrate,
Kallakurichi.
- 2.The Central Jail Womens,
Cuddalore.
- 3.The Station House Officer
V & AC, Police Station, Kallakurichi
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

dk



WEB COPY



CrI.O.P.No.22520 of 2024

CrI.O.P.No.22520 of 2024

12.09.2024