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CRL O.P. No.24869 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24869 of 2024

K.Thirumal Rao

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City – V,
Alandur, Chennai – 600 016.

(Crime No.02/2024/AC/CC-V 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.02/2024/AC/CC-V of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Ramesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.09.2024, for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988 (As amended 2018), in Crime No.02/2024/AC/CC-V of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner is working as Conservancy Inspector at Zone-5, Unit-14, Div.59, in Greater Chennai Corporation and the complainant is working as Sanitary Worker under the petitioner. While so, the petitioner demanded and accepted bribe of Rs.2,000/- from the complainant for allotting light duty after joining from Medical Leave. 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 is no way connected with the alleged offence. He would further submit that the petitioner has been in custody from 25.09.2024. He would further submit that the defacto



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complainant had borrowed Rs.5000/- from the petitioner for his medical expenses, so that the defacto complainant handed over Rs.2000/- to the petitioner for the said borrowal. He would further submit that there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was found in demanding and accepting bribe of Rs.2000/- from the defacto complainant. He would further submit that there is no previous case against the petitioner. He would further submit that investigation is almost completed and some of the important witnesses have to be examined. However, he vehemently opposed to grant bail to the petitioner.

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



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6.Considering the nature of offences charged against the petitioner and that the number of days of incarceration undergone by the petitioner and also considering that no previous case is pending against the petitioner, 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 Thousand only) with two sureties each for a like sum to the satisfaction of the **Special Court for Vigilance and Anti-Corruption, Chennai**, and on further conditions that;

[b] the Petitioner shall report before the Special Court for Vigilance and Anti-Corruption, Chennai, on all working days at 10.30 a.m., until further orders.

[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



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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.

14.10.2024

ata

To

1.The Special Court for Vigilance and Anti-Corruption, Chennai.

2.Central Prison, Puzhal, Chennai.

3.The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City – V,
Alandur, Chennai – 600 016.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J.



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