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Crl.O.P.No.27843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27843 of 2024

Ganesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V & AC Cuddalore Police Station,
Cuddalore District.

(Crime No.13 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in Crime No.13 of 2024, on the file of the respondent Police.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.10.2024, seeking bail in



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Crime No.13 of 2024 registered for the offence under Section 7 of Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018.

2. The case of the prosecution is that the accused, who was working as a Superintendent in District Education Office, had demanded an amount of Rs.25,000/- as a bribe for releasing the funds from the State Government to the defacto complainant's Government-aided Private School. Based on the complaint, a trap was laid, and the petitioner was arrested red-handed while receiving the bribe. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been filed against him. He further submitted that there was a dispute between the defacto complainant and his relatives regarding the management of the private school, and the petitioner had interfered in the matter and thereby, a false complaint has been given against him. He further submitted that the major part of the investigation is over and that the petitioner is in custody from



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18.10.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who was working as a Superintendent in the District Education Office had demanded a bribe of Rs.25,000/-, for releasing the funds from the State Government to the defacto complainant's privately Government-aided school, for which, the petitioner was arrested red-handed, while receiving the bribe. He further submitted that the major part of the investigation is over. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined



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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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Chief Judicial Magistrate, Cuddalore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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 Magistrate/Trial Court is entitled to take



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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 B.N.S.

07.11.2024

drl

To

1. The Chief Judicial Magistrate,
Cuddalore.
2. The Inspector of Police,
V & AC Cuddalore Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

drl

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