



CRL OP(MD). No.1537 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1537 of 2024

Sathyaraj,

... Petitioner/1st Accused

Vs

The State
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Tenkasi.
In Crime No.2/2024.

... Respondent/Complainant

For Petitioner : M/s.S.Gopinathan,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.2/2024 on the file of the respondent police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 10.01.2024 for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, as amended in Act 16 of 2018, in Crime No.2 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a resident of Kerala State and his cousin, namely, Vanthana Kumar, who is working as Software Engineer in America, purchased 3.5 cents of house site within Kuthukalvalasai Panchayat. For getting planning permission, she made an online application, for which, the petitioner, who is working as the Village Panchayat President, demanded a sum of Rs.1,05,250/-. Since the said Vanthana Kumar is working in America, on 08.01.2024, the defacto complainant met the petitioner to get planning permission, during that time, the petitioner directed him to pay a sum of Rs.59,250/- through online and demanded a remaining sum of Rs.46,000/- as bribe. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the

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petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 10.01.2024. Hence, he prays for bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the investigation is yet to be completed.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following 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 Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli, and on further conditions that:



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(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 is directed to appear before the respondent police daily at 10.30 a.m., till the completion of investigation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-
12/02/2024

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12/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb
TO

1. The Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli.
 2. The Superintendent,
Central Prison, Palayamkottai.
 - 3.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Tenkasi.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/s. D.Venkatesh, Advocate SR.No.1696



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ORDER

IN

CRL OP(MD) No.1537 of 2024

Date :12/02/2024

SSA/SAR /12.02.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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