



CRL OP(MD). No.2703 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2703 of 2024

A.Sakthivel

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
Crime No.51 of 2024.

... Respondent/Complainant

For Petitioner : Mr.Kathirvelu, Senior counsel
for Mr.A.Senthilkumar, Advocate.
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.51 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 06.02.2024 for the offences punishable under Sections 8 r/w 12 of Prevention of Corruption (Amendment) Act, 2018, in Crime No.51 of 2024, on the file of the



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respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant is working as a Commissioner in Tirunelveli Municipal Corporation. On 05.02.2024, at about 05.40 p.m., when the defacto complainant was in his office, the petitioner and A1 tried to bribe the commissioner. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and even a bare perusal of the FIR, it reveals that A1 contacted the petitioner over phone and verified the status of the scheme in the corporation area and except this allegation, no allegation was made against him. He would further submit that the petitioner is in judicial custody since 06.02.2024. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that during the investigation, it was found that the petitioner only brought the bribe money with an intention to hand over the corporation Commissioner through A1 and hence, he vehemently, opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and from the perusal of the FIR, no serious allegation was made against him, this Court is inclined to grant bail to the petitioner with certain conditions:



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6. Accordingly, this Criminal Original Petition is allowed and 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 Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli, 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 is directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(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

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229-A IPC.

sd/-
22/02/2024

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22/02/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION ACT, TIRUNELVELI.
- 2 THE SUPERINTENDENT, PALAYAMKOTTAI,
CENTRAL PRISON, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
TIRUNELVELI JUNCTION POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.2703 of 2024
Date :22/02/2024

RS//SAR-(22.02.2024) 4P 5C
Madurai Bench of Madras High Court is issuing
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