



CRL OP(MD) No.3902 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3902 of 2024

ASHOK KUMAR

... PETITIONER/ ACCUSED -1

Vs

THE INSPECTOR OF POLICE
TIRUNELVELI JUNCTION POLICE STATION
TIRUNELVELI DISTRICT.
CRIME NO.51/2024.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.SHANMUGASUNDARAM, Senior Counsel
for M/S.VIDHUSAN.C Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.51/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/ A1, who apprehend arrest at the hands of the respondent police



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for the alleged offence under Sections 8 and 12 of Prevention of Corruption Act, 1988, in Cr.No.51 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Commissioner of Tirunelveli Corporation and while he was in his office, on 05.02.2024 at 05.40 p.m., the petitioner/A1, who is the Managing Director of Annai Infra Development Limited visited the defacto complainant at his office and discussed about the ongoing water supply project of Ariyanayagipuram scheme, which is being executed by the petitioner's company through TWAD board and the project is for supplying drinking water to Municipal Corporation areas. The petitioner requested the defacto complainant to take over the partially completed scheme work to be completed by the corporation for the purpose of operational and maintenance work. He has also insisted the defacto complainant to descope the remaining House Service Connection and invite fresh tender for other works. Subsequently, the petitioner informed the defacto complainant that the details of the completed works has to be submitted to him and after verification of all the works done, the take over-handing over will be done. After the discussion is over, when the petitioner was asked to leave the office of the complainant, the petitioner has allegedly taken a bag and kept it behind the defacto complainant's table, which

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



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contained the illegal gratification to be paid to the de-facto complainant. When the defacto complainant asked him to take back the above bag immediately and asked him to wait outside his office as he has to prefer a complaint against the petitioner, the petitioner fled away from the scene of occurrence along with the above bag. Hence, the complaint.

3.The learned Senior counsel appearing for the petitioner submitted that the date of occurrence is 05.02.2024 at 05.40 p.m., however, the complaint was registered after six hours and the distance between the Corporation and the police station is nearly 1 km. When that be so, the belated filing of the complaint itself shows that in order to implicate the petitioner, the present complaint came to be lodged and no explanation whatsoever has been recorded for the belated filing of the complaint, he contended. Further, as per the video footage, only the black colour bag is dropped in the back side of the commissioner office and without verifying whether the bag contained money or anything, the respondent police mechanically believed the version of the defacto complainant and registered the case. He would further submit that the co-accused has already been enlarged on bail and the petitioner, who is running the company, the petitioner is ready to appear before the respondent police and also co-operate for investigation. Accordingly, he prays for grant of anticipatory



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bail to the petitioner.

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4.The learned Government Advocate (Crl. side) would submit that this Court has already perused the CCTV footage and rejected the petitioner's earlier anticipatory bail application and when it was expressed that this Court is not satisfied with the conduct of the petitioner, the earlier petition was dismissed as withdrawn. However, he would submit that since there is no change of circumstances, he vehemently opposed the grant of anticipatory bail to the petitioner.

5.Heard the learned counsel on either side.

6.Admittedly, the petitioner is the Managing Director of Annai Infra Development Limited and the petitioner entered into a contract with the Tirunelveli Municipal Corporation for water supply project of Ariyanayagipuram Scheme, which is being executed by the petitioner company through TWAD Board. It is an equally undisputed fact that in order to discuss the ongoing progress, it is alleged that the petitioner dropped a black colour bag in the back side of the defacto complainant office and when the same was questioned by the defacto complainant, the petitioner has immediately taken back the bag. Hence, the defacto complainant made a



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complaint before the respondent police.

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7. On earlier occasion, this Court perused the CCTV footage, which revealed that after the discussion is over, the petitioner has dropped the bag in question and left. When the de-facto complainant questioned and made an alarm, the said bag was again taken back by the petitioner. Therefore, the defacto complainant rightly preferred a complaint. Hence, this Court, considering the facts and circumstances of the case and the offence committed by the petitioner, is of the opinion that the conduct of the petitioner is intolerable.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
13/03/2024

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/04/2024

Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE INSPECTOR OF POLICE
TIRUNELVELI JUNCTION POLICE STATION
TIRUNELVELI DISTRICT.



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2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.VIDHUSAN, Advocate (SR-3116[I] dated 13/03/2024)

ORDER
IN
CRL OP(MD) No.3902 of 2024
Date :13/03/2024

RK/JGB(02/04/2024) 6P / 4C

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