



CRL OP(MD). No.4321 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Kabilan

... Petitioner/Sole Accused

Vs

The Deputy Superintendent of Police,
CBI, Anti Corruption Branch,
Madurai.

(R.C No.229 2024 A 0002).

... Respondent/Complainant

For Petitioner : M/s.A.Uthayakumar
Advocate.

For Respondent : Mr.C.Muthusaravanan,
Special Public Prosecutor

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

PRAYER :-

To pass an order directing the Petitioner to be released on bail in connection with R.C No.229 2024 A 0002 (On the file of the Deputy Superintendent of Police,CBI, Anti Corruption Branch, Madurai) forthwith and thus render justice.



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ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 20.02.2024 for the alleged offence punishable under Section 7 of the Prevention of Corruption Act, in R.C.No.229 2024 A 0002, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is an employee of the EPF and he demanded Rs.15,00,000/- from the defacto complainant as bribe, for not taking action against the defacto complainant's company under the Central Government ABRY scheme. Therefore, the defacto complainant gave Rs.2,00,000/- to the petitioner as bribe. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case and he is in judicial custody since 20.02.2024. Hence, he prays for bail.

4.The learned Special Public Prosecutor would submit that if the petitioner is enlarged on bail, there is every possibility of tampering the documents and witnesses.



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Hence, he vehemently opposed the grant of bail to the petitioner.

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5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts that the petitioner has already caught red-handed, immediately after the arrest, he has been suspended and also considering the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7.Accordingly, this Criminal Original Petition is ordered 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 II Additional Sessions Court (CBI Cases), Madurai, 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

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



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10.30 a.m., till the filing of the charge sheet;

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(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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/03/2024

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19/03/2024
Sub-Assistant Registrar (PA-I/ AD-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The II Additional Sessions Court (CBI Cases), Madurai.

2. Do-Through The Chief Judicial Magistrate,
Madurai District.



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3. The Superintendent, Central Prison, Madurai.

4. The Deputy Superintendent of Police,
CBI, Anti Corruption Branch,
Madurai.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.UTHAYAKUMAR, Advocate (SR-3333[I] dated 19/03/2024)

ORDER
IN
CRL OP(MD) No.4321 of 2024
Date :19/03/2024

RK/ (19/03/2024) 5P / 7C

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