



CRL OP(MD).No.6936 of 2024

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

Date : 08.05.2024

PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE
CRL OP(MD).No.6936 of 2024

V.Vijayakumar

... Petitioner/Sole Accused

Versus

Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Tenkasi.

Crime No.6 of 2024

... Respondent/Complainant

For Petitioner : Mr.V.Navaneethakrishnan, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.6 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.04.2024, for the offences punishable under Section 7(a) of Prevention of Corruption Act 1988 as Amended Act 16 of 2018 and Section 201 IPC, in Crime No.6 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who was working as



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Village Administrative Officer, had initially demanded a sum of Rs.8,000/- as bribe from the defacto complainant for transfer of patta and thereafter, Rs.13,000/- for on-line patta transfer. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, this case has been foisted against the petitioner and he is languishing in jail from 12.04.2024.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation is yet to be completed.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused (petitioner) tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioner) has committed the



alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioner) is not guilty of the offence he is charged with.

8. The Court has to strike a balance between the rights of the accused (petitioner) to his liberty and the interest of the society. Liberty of an accused (petitioner) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioner subject to fulfilment of the following conditions by him.

- i. The petitioner shall execute 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 Special Judge (FAC), Special Court for trial of cases under the Prevention of Corruption Act, Tirunelveli.
- ii. The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- iii. the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.



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- iv. The petitioner shall not tamper with evidence or witness either during investigation or trial;
- v. The petitioner shall not abscond either during investigation or trial;
- vi. 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 ;
- vii. If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10. Accordingly, this Criminal Original Petition stands ordered.

sd/-
08/05/2024

(*)CORRECTED AS PER ORDER OF THIS
COURT DATED 09.05.2024 IN CRL OP(MD)
No.6936 of 2024

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/05/2024

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

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TO

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TO BE SUBSTITUTED WITH THE ORDER DATED 08.05.2024 ALREADY
DESPATCHED

1. The Judge

Special Court for Trial of Cases under 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.V.NAVANEETHA KRISHNAN, Advocate (SR-5297[I] dated
08/05/2024)

ORDER IN

CRL OP(MD) No.6936 of 2024

Date :08/05/2024

RK (08/05/2024) 5P / 6C

ED/ /SAR- (09/05/2024) 5P / 6C

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