



CRL OP(MD). No.7426 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

THE HON`BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7426 of 2024

M.Thiyagarajan

... Petitioner/ Accused No.2

Vs

The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Wing,
Madurai.
(Crime No.03 of 2024).

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian.
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.03 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 30.04.2024, for the offence under Sections 7 of Prevention of Corruption (Amendment) Act, 2018 @ 7(a) of Prevention of Corruption (Amendment) Act, 2018



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in Crime No.3 of 2024, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that when the defacto complainant approached the petitioner, who was working as Inspector of Irrigation in Water Resources Department, Irrigation Section II, at Public Works Department offices, Gokhale Road, Madurai, seeking permission for installation of pipeline in his land, the petitioner along with the other accused has demanded a sum of Rs.5,00,000/- as bribe for granting permission. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is not the competent authority to issue prior approval for construction or process of an application submitted by the defacto complainant. However, he was implicated in this case without any demand and acceptance of bribe. He is languishing in jail from 30.04.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner and submits that totally there are two accused in this case. When the petitioner along with the other accused has attempted to receive the bribe amount, he caught red-handed.

5.Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the petitioner with some stringent conditions.



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6. 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 learned Judge, Special Court for Trial of Prevention of Corruption Act Cases, Madurai and on further conditions that :-

- a) 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.
- b) the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders and to co-operate for interrogation.
- c) the petitioner shall not abscond either during investigation or trial.
- d) the petitioner shall not tamper with evidence or witness 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



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accordance with law as if the conditions have been imposed and the petitioner is 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].

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

sd/-
22/05/2024

/ TRUE COPY /

22/05/2024
Sub-Assistant Registrar (C.S. III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF PREVENTION OF CORRUPTION ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION WING,
MADURAI.



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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-5630[I] dated 22/05/2024)
ORDER
IN

CRL OP(MD) No.7426 of 2024
Date :22/05/2024

RS//SAR-(22.05.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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