



CRL OP(MD). No.9812 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9812 of 2024

Khader Sherif

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Vigilance and Anti-Corruption,
Theni District.
(Crime No.1/2024)..

... Respondent/Complainant

For Petitioner : Mr.M.AJMAL KHAN, Advocate for
M/s.Ajmal Associates, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial



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custody on 29.05.2024 for the offence punishable under Section 7 of Prevention of Corruption Act, 1988, as amended Act, 2018, in Crime No.1 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the Tahsildar, Aundipatti Taluk, Theni District, had demanded bribe of Rs.1,00,000/- from the defacto complainant for giving NOC for planting IOC petrol bunk dealership. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is serving in the department for more than 25 years without any remarks. The petitioner has already signed in the NOC for planting IOC petrol bunk dealership to the defacto complainant on 25.05.2024 and forwarded the same to his sub-ordinates on the same day and as such, there is no necessity for the petitioner to demand bribe for the work he has already done. Further, he is in judicial custody from 29.05.2024. Hence, he may be released on bail.

4. The learned Additional Public Prosecutor strongly opposed this petition



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stating that the phenolphthalein test clearly proved that the petitioner received bribe amount from the defacto complainant. Further, 5 eye witnesses have been examined in this case and major part of the investigation is over.

5.Considering the period of incarceration and also considering the fact that the major part of the investigation is over, this Court is inclined to grant bail to the petitioner on certain conditions.

6 Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Chief Judicial Magistrate Court, Theni.

[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/concerned Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[ii] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), without prejudice to his rights and contentions before the trial Court;



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(iii) The petitioner shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation;

[iv] the petitioner shall not tamper with evidence or witness;

[v] the petitioner shall not abscond during trial.

[vi] On breach of any of the aforesaid conditions, the learned Judicial 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].

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/07/2024

/ TRUE COPY /

03/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE,
THENI.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI..

4 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI-CORRUPTION, THENI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-7351[I] dated 03/07/2024)

ORDER

IN

CRL OP(MD) No.9812 of 2024

Date :03/07/2024

SS/SAR- /03/07/2024/5P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023