



CRL OP(MD). No.11433 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2024

PRESENT

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

CRL OP(MD). No.11433 of 2024

Mohan Dass

... Petitioner/ Accused

Vs

The Inspector of Police,
Vigilance and Anti Corruption,
Virudhunagar District.
(Crime No. 6 of 2024)

... Respondent/ Complainant

For Petitioner : M/s.R.Anand, Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

PETITION FOR BAIL UNDER SEC 483 of BNSS

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/ Accused, who was arrested and remanded to judicial custody on 08.07.2024 for the offence punishable under Section 7 and 12 r/w 7 of Prevention of Corruption Act, 1988 as amended in 2018,, 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 received the bribe amount of Rs.25,000/- from the defacto complainant on behalf of Village Administrative Officer,

T.Kadamankulam Village for surveying the land of the defacto complainant. Hence,

<https://www.mmc.thr.gov.in/judis>



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the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as mentioned in the FIR. He would further submit that the petitioner is in judicial custody from 08.07.2024 and hence, he may be granted bail. The offence is wrongly mentioned in the petitioner as '7 of the Prevention of Corruption Act' instead of 'Section 7 and 12 r/w 7 of Prevention of Corruption Act, 1988 as amended in 2018'.

4.The learned Additional Public Prosecutor would submit that petitioner has received a tainted amount of Rs.25,000/- from the defacto complainant on behalf of Village Administrative Officer, T.Kadamankulam Village. Hence, the petitioner herein has aided A1. Now, the investigation is in preliminary stage. Hence, he vehemently, opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, 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 learned Chief Judicial Magistrate Cum Special Judge for Prevention of Corruption



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Act Cases, Srivilliputhur, Virudhunagar District.

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(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police weekly once i.e., every Saturday at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial.

(v)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].

(vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/08/2024

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02/08/2024

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



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TO

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1 THE CHIEF JUDICIAL MAGISTRATE CUM
SPECIAL JUDGE FOR PREVENTION OF CORRUPTION ACT CASES,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR..

3 THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.ANAND, Advocate (SR-9159[I] dated 01/08/2024)

ORDER
IN

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Date :01/08/2024

RS/JGB/SAR-(02.08.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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