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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2024

PRESENT

The Hon`ble Mr.Justice **N.ANAND VENKATESH**

CRL OP(MD). Nos.18700 and 18713 of 2024

1. Josphinemary

2. Arul Raj

... Petitioners/ Accused Nos.1 & 2
in Crl.O.P(MD)No.18700 of 2024

S.Kumar

... Petitioner/ Accused No.3
in Crl.O.P(MD)No.18713 of 2024

Vs

State Rep by the Inspector Of Police,
Anti Corruption and Vigilance Wing,
Sivagangai District.
Crime No.10/2024.

... Respondent/Complainant
(in both cases)

For Petitioners : Mr.T. Seeni Syed Amma
(for both cases)

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
(for both cases)

For Intervenor : Mr.V.Kannan
(for both cases)



PETITIONS FOR BAIL Under Sec.483 of BNSS

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COMMON PRAYER :-

For Bail in Crime No.10/2024 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 16.10.2024 for the offences under Sections 7(a) and 12 of Prevention of Corruption (Amendment) Act, 2018 in Crime No.10 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that A1 is the President of the Panchayat, A2 is the erstwhile President and husband of A1 and A3 is the Clerk, who was working in the Panchayat. The defacto complainant had applied for house tax assessment and he had remitted the amount. He was insisting for the house tax receipt for which money was demanded from him to the tune of Rs.10,000/- as bribe. After some negotiation, it was reduced to Rs.5,000/-. On 16.10.2024, a trap was laid and it is alleged that A3 received the amount and it was supposed to be handed over to A2. Under these circumstances, the FIR came to be registered against the petitioners.

3. Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.



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4.The case in hand as projected by the prosecution is a trap case where, the amount is said to have been received by A3 and recovered from him and further case of the prosecution is that this amount was supposed to be given by A3 to A2. Everything was happening on the instructions of A1.

5.The learned Counsel for the intervenor submitted that the defacto complainant is a seventy year old man, who was made to run from pillar to post to get the house tax receipts. That apart there are many complaints given against the President of the Panchayat for misuse of office and therefore, the learned Counsel vehemently opposed to grant bail to the petitioners.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that it is a trap case and the petitioners have already suffered incarceration from 16.10.2024, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. Accordingly, these criminal original petitions are ordered and the petitioners are ordered to be released on bail on their executing a bond for a sum of



Rs.10,000/- (Rupees ten thousand only) each, with two sureties, each for a like sum

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to the satisfaction of the **Special Court, (Prevention of Corruption and Vigilance Cases) Sivagangai District** 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 petitioners shall report before the respondent police every Monday at 10.30 a.m until further orders except on the days when the case is posted for hearing before the trial Court.

[c] the petitioners shall appear before the trial Court during every hearing date without fail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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

sd/-
04/11/2024

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04/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

- 1 THE JUDGE,
SPECIAL COURT(PREVENTION OF CORRUPTION AND
VIGILANCE CASES), SIVAGANGAI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE,
ANTI CORRUPTION AND VIGILANCE WING,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.T.SEENI SYED AMMA, Advocate (SR-13579,13580[I] dated
04/11/2024)

+2 CC to M/s.V.KANNAN, Advocate (SR-13578, 13577[I] dated 04/11/2024)



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ORDER
IN

CRL OP(MD). Nos.18700 and 18713 of 2024

Date :04/11/2024

SS/SAR- /04/11/2024/ 6P/9C

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