



Crl.O.P.No.1049 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.1049 of 2025

Sivakumar

...Petitioner/Accused

Vs.

State by
Inspector of Police,
Vigilance and Anti Corruption Wing,
Vellore District.
(Crime No.10 of 2024)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.10 of 2024 on the file of the respondent police.

For Petitioner : Mr. D. Thirumoorthy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 13(2) r/w 13(1)(a) of the Prevention of Corruption (Amendment) Act, 2018 and under Sections 409 and 420 of IPC, in Crime No. 10 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/accused was working as an Assistant at Katpadi SRO, Vellore District; that during the period, when he was in charge of Sub-Registrar, Katpadi, he had permitted registration of twelve Settlement Deeds and two Sale Deeds in respect of lands measuring 105.82 acres of Government Poramboke lands at Katpadi Village in spite of a circular prohibiting registration of such lands. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has already been suspended from the service; and that the allegations against him are false and in any case, the custodial interrogation of the petitioner is not required for the purpose of investigation and sought for anticipatory bail.



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4. The learned Government Advocate (Crl.Side) for the respondent police reiterated the prosecution case and submitted that no indulgence would be shown to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the petitioner has been suspended from service. The prosecution had collected evidence to show that twelve Settlement Deeds and two Sale Deeds were permitted by the petitioner to be registered, contrary to the circular issued by the Inspector General of Registration. The case is borne out by records. It is for the prosecution to establish the allegations against the petitioner before the trial Court. In such circumstances, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation and hence, the anticipatory bail is granted to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the



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date on which the order copy was made ready, before the learned **Chief Judicial Magistrate, Vellore**, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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 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



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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 269 of B.N.S.

06.02.2025

dk

To

- 1.The Chief Judicial Magistrate,
Vellore.
- 2.The Inspector of Police,
Vigilance and Anti Corruption Wing,
Vellore District.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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