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Crl.O.P.No.13923 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13923 of 2025

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...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Vigilance and Anti Corruption,
Namakkal,
Namakkal District.

(Crime No.3/AC/2025)

...Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.3/AC/2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who



was arrested and remanded to judicial custody on 12.04.2025, seeking bail in Crime No.3/AC/2025 registered for the offence under Section 7(a) of Prevention of Corruption Act, 1988 (Amendment) Act, 2018.

2.It is the case of the prosecution that the petitioner, who was working in Surveyor Section had demanded and received Rs.9,000/- from the defacto complainant as a bribe for sub division of patta transfer in the name of the defacto complainant's husband; and that a trap was conducted and the petitioner was arrested. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner has been suspended from service and that in any case, considering the period of incarceration, further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner was arrested during trap proceedings and that the petitioner was suspended from the service.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the aforesaid facts, the nature of allegations, period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Judge/Chief Judicial Magistrate, Namakkal**, 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 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 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 B.N.S.

30.04.2025

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Copy to:

- 1.The Inspector of Police,
Vigilance and Anti Corruption,
Namakkal,
Namakkal District.
- 2.The Special Judge/Chief Judicial Magistrate, Namakkal.
- 3.The Superintendent of Prison, Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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