



Crl.O.P.No.19211 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19211 of 2025

K.V.Shankar

.. Petitioner

Vs.

The State rep by
The Inspector of Police
Vigilance and Anti Corruption
Salem
Crime No. 06/AC/2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in connection with crime No.06/AC/2025 on the file of respondent police.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.05.2025, for the offence punishable under Section 7(a) of Prevention of Corruption Act, in Crime No. 06/AC/2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution as per the defacto complainant is that petitioner, who is a Deputy Surveyor of Salem West Taluk is alleged to have asked bribe amount of Rs.26,000/- from the defacto complainant for issuing a new patta in favour of defacto complainant and his brother. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 28.05.2025. It is the contention of the petitioner that the case has been projected as though initially the petitioner had demanded a sum of Rs.26,000/- for surveying and fixing boundaries of the defacto complainant's land and later, it has been reduced to Rs.22,000/- and finally, to Rs.5,000/-. It is his further contention that in this case, the prosecution witness had come to the house of the petitioner and thrust money into his hands, which he refused to accept. However, the case has been projected as though there was a demand and recovery from the petitioner. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.side) appearing for the respondent police submitted that there was a land dispute among the brothers of defacto complainant to which, the defacto complainant along with his brother had approached the petitioner, who is a Deputy Surveyor, to survey and fix the boundaries. He also submits that wrong patta has been issued in the name of defacto complainant's brother Muruganantham. He submits that to rectify error in the patta in favour of defacto complainant, the petitioner demanded a bribe amount of Rs.26,000/- later, reduced to Rs.22,000/- and finally, sought an advance of Rs.5,000/-. Hence, a complaint has been lodged on 26.05.2025 and on 28.05.2025, the respondent conducted the trap and the petitioner caught red-handed on his receipt of bribe amount of Rs.5,000/- and phenolphthalein test also confirmed the same and now the investigation is in progress. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his 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 **Special Judge, Special Court for Trial of cases under Prevention of Corruption Act, Salem** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 am., for a period of three weeks and thereafter, as and when required for interrogation.

[c] The petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation



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or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Special Judge, Special Court for Trial of cases under Prevention of Corruption Act, Salem.
2. The Inspector of Police
Vigilance and Anti Corruption
Salem
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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