



Crl.O.P.No.21596 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21596 of 2025

Packirisamy

... Petitioner

Vs.

The State represented by
The Deputy Superintendent of Police,
CBI, ACB, Chennai.

Crime No. RC 032 2025 A00 15 of 2025 ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No. RC 032 2025 A00 15 of 2025 on the file of the respondent.

For Petitioner : Mr.R.Vivekananthan
For Respondent : Mr.K.Srinivasan
Special Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
18.07.2025, for the offence punishable under Section 7 of Prevention of
Corruption Act (As amended in 2018) in Crime No. RC 032 2025 A00 15 of
2025, registered on the file of the respondent, seeks bail.



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2.The case of the prosecution is that the defacto-complainant has been engaged in the business of purchasing cigarettes and Beedi items wholesale and selling the same at retail to shops for the past three years from his residential premises. On 02.06.2025 at about 11 a.m., G.Packirisamy, the petitioner herein, who is a Special Grade Sub Inspector of Police, Thirunallar Police Station, Karaikal, along with a Police Constable conducted a raid at the defacto-complainant's premises, arrested him and seized cigarettes and beedi. A case was registered in Cr.No.86 of 2025 on the file of Tirunallar Police Station, Karaikal under Section 24 (1) of COTPA Act, 2023. Thereafter, the petitioner released the defacto-complainant on the same day i.e 02.06.2025 at about 9.30 p.m. Subsequently, on 05.07.2025, the defacto-complainant appeared before the jurisdictional Court and filed a petition seeking the return of seized property. The trial Court had passed an order directing the return of the seized items. Pursuant to the said order, on 06.07.2025, some of the seized items were returned to the defacto-complainant; however he found that certain items had not been returned. Therefore, the he approached the petitioner requesting the return of



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remaining items. At that time, the petitioner allegedly demanded a bribe amount of Rs.5000/-. Consequently, a case was registered on 18.07.2025. Thereafter, a trap was laid and the petitioner was caught red handed. Hence, the present case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case. The decoy in the case is the accused in Cr.No.86 of 2025, who was arrested by the petitioner on 02.06.2025 and was released on bail on the same day. The seized Cigarettes and Beedi items were produced before the Lower Court. The accused in Cr.No.86 of 2025 had filed a petitioner for the return of the seized property and the same was allowed. There was some discrepancy in the returned properties; hence the decoy had a motive against the petitioner and falsely projected that the petitioner had demanded bribe and accordingly lodged a complaint with the respondent on 17.07.2025. The respondent without verifying the antecedents of the decoy or making any inquiry about the petitioner, immediately registered the First Information Report. He further submitted that petitioner is in judicial custody from 18.07.2025 and hence, further custody of the petitioner is not required.



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Hence, he prayed for grant of bail to the petitioner.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that in this case petitioner was caught red handed for receiving bribe amount of Rs.5000/- from the decoy witness. The decoy is an accused in Cr.No.86 of 2025. Being an accused does not disqualify him to be a witness and to lodge a complaint against the petitioner for demand of bribe amount. In this case, the petitioner demanded and received bribe amount was witnessed by accompanying witness and the phenolphthalein test confirms the receipt of bribe amount. In this case the petitioner was arrested and he is in judicial custody from 18.07.2025. Final stage of investigation has been completed. Further investigation is in progress with regard to collection of document and recording statement of other witnesses. Hence, strongly opposed for grant of bail to the petitioner.

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

6.It is a case of trap. The receipt of bribe amount has been recorded in recovery mahazar and the phenolphthalein test confirmed that the petitioner



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had received the bribe amount of Rs.5000/-. The explanation now given by the petitioner is to be decided during trial. The substantial portion of investigation for a trap case has been completed and recorded. In view of the same and the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Judge (under Prevention of Corruption Act Cases) Karaikal**, 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.a.m., for a period of two weeks; thereafter as and when required for interrogation;**

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



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[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 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



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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 (under Prevention of Corruption Act Cases) Karaikal.
- 2.The Deputy Superintendent of Police,
CBI, ACB, Chennai.
- 3.The Sub Jail, Karaikal.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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