



CRL OP(MD) No.3131 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3131 of 2025

V.Sivakumar

... Petitioner/Sole accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vigilance and Anti Corruption,
Sivagangai Detachment,
Sivagangai District.
Crime No.1 of 2025

... Respondent/Complainant

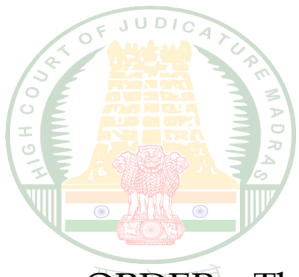
For Petitioner : Mr.S.Ayyanar Prem Kumar, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.1 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

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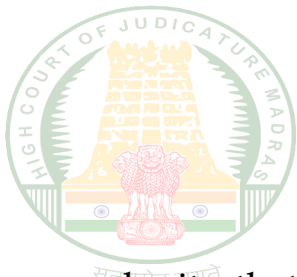
This Criminal Original Petition has been filed by the petitioner on 17.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 04.02.2025 for the alleged offences punishable under Section 7(b) of the Prevention of Corruption Act, 1988 [as amended by the PC (Amendment) Act, 2018], in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner is the Junior Engineer Grade-I at TANGEDCO, Sivagangai. The petitioner demanded a sum of Rs.2,000/- as bribe from the defacto complainant for the transfer of the electricity connection and later, it was reduced to Rs.1,500/-. Based on the complaint of the defacto complainant, the trap was organised by the respondent-police on 03.02.2025 and 04.02.2025. On the second day of the trap i.e., 04.02.2025, the petitioner demanded the bribe and accepted. The petitioner was arrested in this case. Hence the case.

4. Mr.S.Ayyanar Prem Kumar, the learned counsel appearing for the petitioner,

<https://www.mhc.tn.gov.in/judis>



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submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He however submits that the petitioner is ready to abide by the conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 04.02.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that if this Court grants bail to the petitioner, he may cause threat to the defacto complainant and may commit similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 04.02.2025 and has been in judicial custody. Considering the nature of offences alleged against the petitioner and also considering the fact that the custodial interrogation of the petitioner may not be necessary in this case and with a view to give an opportunity to the petitioner, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:



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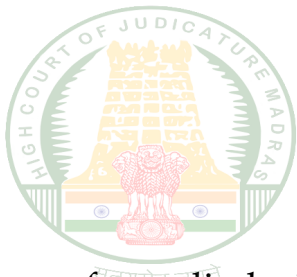
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Special Judge, the Special Court for Trial of Cases under the Prevention of Corruption Act, Sivagangai;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Special Judge, the Special Court for Trial of Cases under the Prevention of Corruption Act, Sivagangai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



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from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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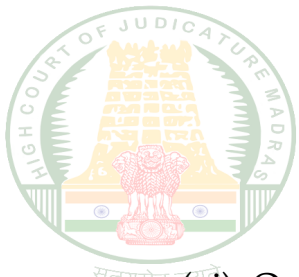
(vi) The petitioner shall not directly or indirectly cause threat to the defacto complainant and witnesses;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Special Judge, the Special Court for Trial of Cases under the Prevention of Corruption Act, Sivagangai;

(viii) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(ix) The petitioner shall not enter into the defacto complainant's house or workplace;

(x) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode; and



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(xi) On breach of any of the aforementioned conditions, the learned Special Judge, the Special Court for Trial of Cases under the Prevention of Corruption Act, Sivagangai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/02/2025

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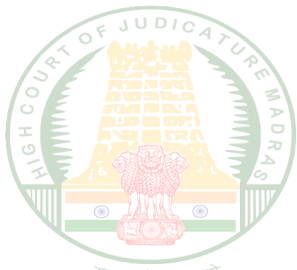
28/02/2025
Sub-Assistant Registrar (PA-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd

TO

1. THE SPECIAL JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER THE PREVENTION OF
CORRUPTION ACT,
SIVAGANGAI;

2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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3.THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI DETACHMENT,
SIVAGANGAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-2241[I] dated
28/02/2025)

ORDER
IN
CRL OP(MD) No.3131 of 2025
Date :28/02/2025

RK(28/02/2025) 7P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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