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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3553 of 2025

Etturaj

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Vigilance and Anti Corruption,
Thoothukudi, Thoothukudi District.
Crime No. 01/2025.

... Respondent/Complainant

For Petitioner : Mr.R.Ilayaraja, Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No. 01 of 2025 on the file of the Respondent-Police.



ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.02.2025 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 24.01.2025 for the alleged offences punishable under Section 7(b) of Prevention of Corruption (Amendment) Act, 2018, in Crime No. 01 of 2025 on the file of the respondent-police.

3. The case for the prosecution is that the defacto complainant, in order to obtain a factual verification report for his land, approached the Sub-Registrar in Pudukottai. The application was forwarded to the Tahsildar in Thoothukudi, and subsequently, it was forwarded to the Village Administrative Officer (VAO) of Muthusampuram Village. On 08.01.2025, at about 11:00 a.m., the defacto complainant inquired about the status of his application at the VAO's office, where the VAO (the petitioner) showed the defacto complainant the report and demanded a bribe of Rs.5,000/-. When the defacto complainant stated that he did not have the money at that time, the petitioner informed him that he would send the report to the Tahsildar, but requested that the bribe be paid later. The defacto complainant



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accepted this proposal. Subsequently, on 21.01.2025 and 23.01.2025, the petitioner contacted the defacto complainant by phone, repeatedly demanding the bribe amount. As the defacto complainant was unable to pay, he lodged a complaint with the police. On 24.01.2025, the petitioner was caught red-handed. Hence, this case.

4. Mr.R.Ilayaraja, the learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the defacto complainant. He further submits that a false case has been foisted against the petitioner. 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 from 24.01.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner demanded bribe of Rs.5,000/- from the defacto complainant. He further submits that if this Court grants bail to the petitioner, he will commit similar offenses and may also cause a threat to the defacto complainant by misusing his power. However, he prays to dismiss this Criminal Original Petition.

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



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7. The petitioner has been in judicial custody from 24.01.2025. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and also considering facts and circumstances, nature of offence allegedly committed by the petitioner and the period of incarceration and with a view to give an opportunity to the petitioner to reform himself, 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:

(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 Thousand Only) to the satisfaction of the learned Chief Judicial Magistrate, Thoothukudi;

(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 Chief Judicial Magistrate, Thoothukudi, 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;



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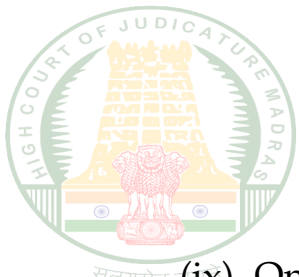
(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

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

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

(vii) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;

(viii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. and 5.00 p.m., until further orders; and



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(ix) On breach of any of the aforementioned conditions, the learned Chief Judicial Magistrate, Thoothukudi, 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/-
25/02/2025

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25/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd
TO

- 1 THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.



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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-2084[I] dated 25/02/2025)

ORDER
IN
CRL OP(MD) No.3553 of 2025
Date :25/02/2025

ES/SAR /25.02.2025/7P/6C

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