



CRL OP(MD). No.9670 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.9670 of 2025

K.Mohan,
S/o.Karmeham

...Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Vigilance and Anti-Corruption,
Virudhunagar District.
(Crime No.4 of 2025)

... Respondent / Complainant

For Petitioner : Mr.K.Vijay Anand,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.4 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / accused, who was arrested and remanded to judicial custody on 06.05.2025 for the offences under Section 7 of the Prevention of Corruption Act, 1988, as amended by the Prevention of Corruption (Amendment) Act, 2018, in Crime No.4 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is working as an Office Clerk under the supervision of Accused No.1, who is the Sub-Registrar in the Co-operative Housing Societies. It is alleged that the petitioner, at the instance of Accused No.1, demanded a bribe of Rs.5,000/- from the defacto complainant for issuance of Form-88 to cancel a Memorandum of Deposit (MOD) document registered in the year 1982. Pursuant to the complaint, a trap was laid on 06.05.2025, during which the petitioner was allegedly caught while receiving the bribe amount. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner is in custody from 06.05.2025. Hence, he seeks bail.



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4. The learned Government Advocate (Criminal Side) would submit that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He would further submit that the petitioner caught red-handed by the trap team, and a phenolphthalein test conducted on him yielded a positive result. He would further submit that there are no previous cases against the petitioner. He, however, would submit that though the material part of the investigation has been completed, at this stage, if bail is granted to the petitioner, he will abscond and tamper with the evidence. He, therefore, opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of the offence allegedly committed by the petitioner and taking into consideration the period of incarceration and also the fact that the petitioner has no previous cases, this court is inclined to grant bail to the petitioner, however, subject to the following 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 learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur cum Special Judge for P.C. Act Cases, Srivilliputtur, 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 furnish his residential address and mobile number to the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur cum Special Judge for P.C. Act Cases, Srivilliputtur. If the petitioner changes his residential address, he shall report the same to the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur cum Special Judge for P.C. Act Cases, Srivilliputtur.

[c] the petitioner shall appear and sign before the respondent police daily at 10.30 a.m. until further orders.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

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

sd/-
16/06/2025

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16/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR
CUM SPECIAL JUDGE FOR P.C. ACT CASES,
SRIVILLIPUTTUR.
2. THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR.
3. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.VIJAY ANAND, Advocate (SR-6324[I] dated 16/06/2025)

ORDER
IN

CRL OP(MD) No.9670 of 2025

Date :16/06/2025

HPS/16.06.2025 /6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023