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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.Nos.29576 & 29584 of 2026

CNR: {HCMA012426662026}

CRL.O.P.Nos.29576 of 2026

P.Murugakrishnan

..Petitioner

Vs

State rep by Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Krishnagiri.
Crime No. 12/AC/2026.

..Respondent

PRAYER: To release the Petitioner on bail connected in Cr.No.12/AC/2026 pending investigation on the file of the Respondent Police on such terms and conditions as this Learned Court may deem fit and proepr and pass such further or other orders as deemed fit by this Learned Court and thus render justice.

For Petitioner : Mr.P.Ezhil Nilavan

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side)

CRL.O.P.No.29584 of 2026

CNR: {HCMA012426632026}

M.Sivakumar

..Petitioner

Vs

The State Rep. By,
The Deputy Superintendent of Police
Vigilance and Anti Corruption,
Krishnagiri.
Crime No.12/AC/2026.

..Respondent

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PRAYER: To release the petitioner on bail connected in Cr.No.12/AC/2026 pending investigation on the file of the Respondent Police on such terms and conditions as this learned Court may deem fit and proper and pass any such further or other orders.

For Petitioner : Mr.P.Ezhil Nilavan

For Respondent : Me.M.M.I.Khaleel,
Government Advocate (Crl.side)

COMMON ORDER

These are two petitions for bail under Section 483 of the BNSS. Both arise out of Crime No. 12/AC/2026 on the file of the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Krishnagiri, registered on 01.09.2026 for offences under Section 7(b) and Section 12 read with Section 7(b) of the Prevention of Corruption Act, 1988, as amended in 2018. The petitioner in Crl.O.P. No. 29584 of 2026 is the second accused, and the petitioner in Crl.O.P. No. 29576 of 2026 is the third accused. Each is the petitioner's second petition before this Court. The petitions were heard together and are disposed of by this common order.

2. The case of the prosecution, briefly stated, is this. The first accused was the District Environmental Engineer, Tamil Nadu Pollution Control Board, Hosur. The de facto complainant runs a crusher unit, M/s. Sri Kanna Blue Metals, in the name of his brother, and had sought a Consent to Establish for its

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expansion. The first accused is said to have demanded Rs.15,00,000/-, later reduced to Rs.10,00,000/-, payable in two instalments of Rs.3,00,000/- on 02.09.2026 and Rs.7,00,000/- on 15.09.2026. The second accused is not a public servant. He carries on business at Salem as a consultant, and the third accused is said to be his employee. According to the complaint, as set out in the counter affidavit in Crl.O.P. No. 29584 of 2026, it was the second accused who, between 23.08.2026 and 27.08.2026, conveyed the demand of the first accused to the complainant, arranged his meeting with the first accused, and later conveyed the reduced figure and the instalments. On 02.09.2026, during the trap, the second accused is said to have told the complainant over the telephone that the third accused would contact him and receive the money. The third accused met the complainant in the complainant's car at Salem, received Rs.3,00,000/- in a cotton bag, counted the bundles and kept the bag. The phenolphthalein test on both his hands was positive, and the serial numbers of the recovered notes tallied with those recorded in the entrustment mahazar. A further sum of Rs.2,00,000/- was found in the two-wheeler used by the third accused, who is said to have stated that the second accused had entrusted it to him. The second accused was not present at the trap, and nothing was recovered from him.

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3. The petitions state that both petitioners were arrested on 01.09.2026. The counter affidavits place the trap on 02.09.2026. Both were in police custody from 23.09.2026 to 25.09.2026, and the custodial interrogation is over. The investigation is in progress. On 26.10.2026, in Crl.O.P. No. 27844 of 2026, this Court has granted bail to the first accused.

4. Learned counsel for the petitioners made these submissions.

[a] Neither petitioner is a public servant or had any authority to issue the Consent to Establish. The first accused had issued it on 31.08.2026, before the trap, and the complainant had received it in person and on WhatsApp.

[b] The second accused received no money. He was at Sulagiri, and not at the place of the trap, and his fingers were not subjected to the phenolphthalein test. He has been implicated because of earlier differences with the complainant, who had dealt with him as a consultant.

[c] The third accused is not named in the first information report. The second accused never instructed him to receive any amount, and he is not the beneficiary of any gratification.

[d] Under Rule 50 of the Vigilance Manual, an accused in a trap case is ordinarily to be released on bail, and remand is to be sought only by way

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of exception.

5. The respondent has filed counter affidavits of the investigating officer in both petitions, and the petitions are opposed on their lines. The second accused is described as an intermediary who acted in concert with the other accused. It is stated that the recovery of the tainted currency from the third accused, the positive phenolphthalein test and the account of the official witness connect him with the receipt of the first instalment, and that his denials are matters of defence. The investigation, it is said, remains in progress on the communications among the accused and the complainant, the source of the sum of Rs.2,00,000/-, the records of the consent proceedings, and the electronic and scientific evidence. Paragraph 28 of the counter affidavit in Crl.O.P. No. 29576 of 2026 states that the call detail records of the second and third accused have been received and examined and show regular contact between them. The counter affidavit in Crl.O.P. No. 29584 of 2026 adds that "*no calls between A-1 and A-2 were reflected in the available call records*", that such records do not show WhatsApp calls, and that the Internet Protocol Detail Records have been requisitioned and are yet to be received. The audio recordings produced by the complainant are said to indicate a demand by the first and second accused. They have been handed over to the Court and are yet to be forwarded through the Court to a forensic laboratory, including for the verification of the voices attributed to the accused.

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6. I have considered the rival submissions and perused the material placed before me.

7. On 26.10.2026 this Court has granted bail to the first accused, at whose instance the amount is said to have been demanded, on the footing that the amount had been recovered and the recordings and documents secured. The counter affidavits disclose that the call detail records of both petitioners have been received and examined, that those of the second accused show no call with the first accused, though the case of the complainant is that on 27.08.2026 the second accused told him that the first accused had telephoned him, and that the audio recordings, furnished with the complaint on 01.09.2026, are still to be forwarded for forensic examination.

8. The allegation against the second accused on the respondent's own showing is this. It consists of three things: the complainant's account of his calls before the trap, which the respondent seeks to corroborate by the audio recordings; the call during the trap telling the complainant that the third accused would receive the money; and the statement of the third accused that the second accused had entrusted the further sum of Rs.2,00,000/- to him. The first two rest on electronic records, the recordings being already with the Court and the call

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and internet records with the service providers. The third is a statement made by a co-accused to the police, and the circumstances of that recovery are still under investigation. None of this is within the reach of the second accused. If a specimen of his voice is needed for comparison, Section 349 of the BNSS provides for a direction to him to give one, and a condition will secure his compliance. The contentions that he was at Sulagiri when the counter affidavit says he was at Salem, and that the complainant bore him ill-will, go to the merits, and I leave them to the trial.

9. The position of the third accused is not the same. The money was received by him and recovered from him, and a further sum was found in his vehicle. That is the prosecution case at its strongest, and nothing in this order lessens it. But it is the case of a recovery already made. The trap material, namely the entrustment mahazar, the recovered notes and the wash solutions, is with the respondent. The sum of Rs.2,00,000/- has been seized, and according to the counter affidavit he has already said where it came from; its source and its connection with the transaction are now to be traced through the second accused and the documents. The audio recordings are said to record a demand by the first and second accused, not by him. His submissions that he is not named in the first information report, that the second accused never asked him to receive the money and that he had no authority to issue the consent go to

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whether he knew what he was receiving and for whom. That is a matter for the trial, and I leave it open.

10. In a trap case under the Prevention of Corruption Act, 1988, once the trap money has been recovered and the trap material seized, an apprehension of tampering stated in general terms does not, by itself, justify further custody. Neither petitioner is the public servant who is said to have demanded the money, neither holds any office through which he could reach the records or the witnesses, and the public servant himself is now on bail. The second accused is a consultant in the field in which the complainant's unit seeks consents, the third accused is said to be his employee, and on their own case the second accused and the complainant have had dealings and differences. That calls for a specific condition against contact.

11. **In the result, both the Criminal Original Petitions are allowed** and the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties,** for a like sum to the satisfaction of **the Principal Sessions Judge, Krishnagiri,** and on further conditions that:

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[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 his identity;

[b] each petitioner shall report before the Additional Superintendent of Police, Vigilance and Anti-Corruption, Salem, the investigating officer, at 10.30 a.m. on every day for 30 days from the date of his release, and thereafter shall appear before him as and when required for interrogation;

[c] the petitioner in Crl.O.P.No.29584 of 2026 shall give a specimen of his voice whenever he is directed to do so under Section 349 of the BNSS, and shall appear for that purpose at the time and place fixed.

[d] The second accused shall not contact the complainant.

[e] the petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[g] 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];**

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

28.10.2026

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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 Principal Sessions Judge, Krishnagiri.

2. The Superintendent,
District Prison, Dharmapuri.

3. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Krishnagiri.

4.The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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