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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31317 of 2026

CNR: {HCMA012576702026}

A.Karthick
S/o.Anbakan,
No.4/4, Nehru Nagar,
Mulligoor, Kundha,
Emerald, The Nilgiris.

Case QR

..Petitioner(s)

Vs

The State Rep by The Inspector of Police
Vigilance and Anti Corrupution,
The Nilgiris,
Crime No.6 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.6 of 2026 on the file of the respondent

For Petitioner(s): Mr.K.Balasubramaniam

For Respondent(s): Mr.M.M.I. Khaleel
Government Advocate (Crl.Side)

ORDER

ORDER

1. This is a petition for regular bail under Section 483 of the BNSS. The petitioner, a Panchayat Secretary, is the sole accused in Crime No. 6 of 2026 on the file of the Inspector of Police, Vigilance and Anti-Corruption, The Nilgiris, registered on 12.10.2026 for the offence under Section 7(b) of the Prevention of Corruption Act, 1988, as amended by Act 16 of 2018.

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2. The case of the prosecution, briefly stated, is this. The de facto complainant, a contractor, built an overhead water tank for the Ithalar Panchayat, and a sum of Rs.6,90,955/- was recommended for payment to him. On 24.09.2026, when he asked the petitioner for the cheque, the petitioner is said to have demanded Rs.35,000/-, being five per cent of the value of the work. On 30.09.2026 the petitioner handed over the cheque and told him to pay once it was cleared. On 05.10.2026 he is said to have brought the demand down to Rs.20,000/- and to have threatened that, if it was not paid, the complainant would not get back the earnest money deposits due to him from the Panchayat. The complaint was lodged on 12.10.2026, a trap was laid the same day, and the petitioner was arrested.

3. The petitioner has been in custody since **12.10.2026**, for a little over three weeks. The investigation is pending.

4. Learned counsel for the petitioner made these submissions.

[a] The complaint is false. The complainant was pressing for the refund of his earnest money deposits, which needed approvals that the petitioner, who held only additional charge of the Panchayat, could not give at once, and the currency notes were thrust into the petitioner's hands to implicate him.

[b] The steps that followed the trap are over, he has been placed under suspension, and his custody is no longer needed.

[c] He is a permanent resident of the place and will abide by any condition.

5. The respondent has filed a counter affidavit of the investigating officer, sworn on 02.11.2026, and the petition is opposed principally on the ground that it repeats, ten days after their rejection, the grounds urged before the Court of Session, without any change of circumstances. It is also said that the investigation

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is not complete, and that the petitioner, who had dealings with contractors and access to the records of the Panchayat, may interfere with it.

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

7. The principal objection is that this is a successive petition. It is not. It is the petitioner's first petition before this Court. The jurisdiction under Section 483 of the BNSS is concurrent, and the petitioner went first to the Court of Session, as he should have (**Ankur Kumar Jain v. State**, Crl.O.P. No. 25372 of 2026, dated 09.09.2026). A refusal by the Court of Session is not an earlier petition before this Court, and an accused who comes here after it does not have to show a change of circumstances before he can be heard. The decisions relied on in paragraphs 4 and 14 of the counter affidavit, **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav**, (2004) 7 SCC 528, and **State of Maharashtra v. Captain Buddhikota Subha Rao**, 1989 Supp (2) SCC 605, concerned an accused who, having been refused bail, returned on the same facts to the court that had refused him. **Vasantha v. State of Tamil Nadu**, 2026 INSC 513, concerned petitions for anticipatory bail filed one after another in quick succession, and the counter affidavit itself accepts that it was a case of anticipatory bail. None of them applies here. What the petitioner must meet is the reasoning of the Court of Session, and I turn to it.

8. The learned Sessions Judge declined bail four days after the trap, for the reason already noticed. That was a fair view at the time. The position has since changed, and the counter affidavit does not dispute the change. Paragraph 6 of the petition states that the recovery, the phenolphthalein test and the search of the petitioner's house are over and that he has been suspended. The counter affidavit denies none of this. It says, in paragraph 10, only that the completion of those steps *"does not, by itself, establish that all relevant investigative steps have been*

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completed", and that the stage of the investigation *"must be assessed on the basis of the Investigating Officer's current status report"*. The deponent is the investigating officer. No status report has been placed before me, and the counter affidavit does not name a single step that remains to be taken and needs the petitioner in custody. It does not mention the suspension, and speaks of the petitioner as one who held an official position with access to the records.

9. In a trap case under the Prevention of Corruption Act, 1988, the material that connects the accused with the demand and the acceptance is gathered on the day of the trap. Once that is done, what remains is largely the examination of witnesses, and an apprehension of tampering stated without particulars is to be met by conditions. This Court has applied that approach in **Crl.O.P. No. 28498 of 2026, dated 15.10.2026**, and in **Crl.O.P. Nos. 29320 and 28724 of 2026, dated 26.10.2026**. The object of bail is to secure the appearance of the accused at the trial, and it is neither punitive nor preventive, as held in **Sanjay Chandra v. Central Bureau of Investigation**, (2012) 1 SCC 40. No previous case is alleged against the petitioner.

10. Here the petitioner has been in custody for three weeks, and the counter affidavit does not seek his custody for interrogation.

11. **In the result, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail** on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Court of Sessions Judge, The Nilgiris District at Udhagamandalam,** 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

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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., until further orders;

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

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

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in acc 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];**

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

04-11-2026

DRL

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.

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To

1.The Court of Sessions Judge,
The Nilgiris District at Udhagamandalam.

2. The Inspector of Police
Vigilance and Anti Corruption,
The Nilgiris.

3.The Superintendent,
Sub Jail, Udhagamandalam.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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