

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.33 & 108 of 2021

M.Ravi

... Petitioner in Crl.O.P. No.33/2021

M.Ganesha @ Ganesan

... Petitioner in Crl.O.P.No.108/2021

The State Rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Vellore District.
(Crime No.22 of 2020)

... Respondent in both Crl.O.P.s

COMMON PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.22 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. D.Bennington
in Crl.O.P.No.33/2021

For Petitioner : Mr. E.Kannadasan
in Crl.O.P.No.108/2021

For Respondent : Mrs.M. Prabhavathi,
in both Crl.O.P.s Addl. Public Prosecutor

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioner in Crl.O.P.No.33 of 2021 is arrayed as A2 and the petitioner in Crl.O.P.No.108 of 2021 is arrayed as A1. They were arrested and remanded to judicial custody on 23.12.2020 and 24.12.2020 respectively for the offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988 and amended Act 2018 in Crime No.22 of 2020, and now, they have filed this petition seeking for bail.

2. The case of the prosecution is that A1 in this case is working as a General Manager of Aavin Co-operative Milk Society, Vellore, and A2 is working as a Manager of Aavin Co-operative Milk Society, Vellore. The defacto complainant is a transporter of the milk from Tiruvannamalai to various places at Vellore, in which Aavin Co-operative Society has to pay a sum of Rs.1,81,000/- to him. When he has requested the petitioners to pay that amount, they have demanded some amount as a bribe. Hence, based on the complaint of defacto complainant, a trap was arranged, in which, A2, who has

received the amount has got red handed and he was arrested on 23.12.2020. Subsequently, based on the confession of A2 that on behalf of A1, General Manager of the society, he has received that amount, hence, A1 was also arrayed as accused and arrested on 23.12.2020. Now, the present petitions have been filed seeking bail.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that they have not received any amount as a bribe, it was received only as a loan and only due to previous enmity, they have been falsely implicated. That apart, he has stated that almost investigation is over. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that both the petitioners are working as General Manager and Manager of Aavin Co-operative Milk Society. She would submit that for settling the amount due to the defacto complainant, they have demanded bribe and A2 has got red handed. She would submit that only at the instigation of A1, A2 has received the amount and both were arrested. Hence, she opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and also considering the fact that the investigation is almost over, at this stage, the custodial interrogation of the petitioners not required and the petitioners are in judicial custody for more than a month, this Court is inclined to grant bail to the petitioners in subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Vellore, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners, on their release from prison, shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
25/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION
VELLORE DISTRICT

4 THE OFFICER INCHARGE,
SUB JAIL, GUDIYATTHAM

CC to M/S. D.BENNINGTON Advocate on payment of necessary
charges SR.812

सत्यमेव जयते

CRL OP.Nos.33 & 108 of 2021

Date : 25/01/2021

RVR 27/01/2021