



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

Wednesday, the Twenty Fifth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.995 of 2015

WEB COPY

JENOVA VASANTHI

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI, CR.NO.6/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.SAMUEL GUNASINGH Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 471 and 409 IPC in Crime No.6 of 2015 on the file of the respondent police, seeks anticipatory bail.

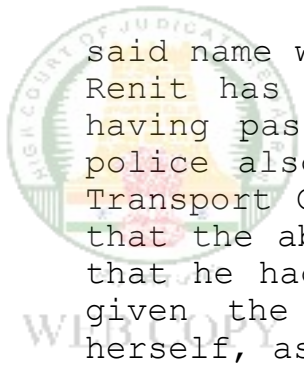
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. On 22.01.2015, this Court granted interim anticipatory bail to this petitioner with a direction that she should appear before the Investigating Officer and co-operate with the investigation of the case.

4. The Sub-Inspector of Police, DCB has filed two status reports dated 05.02.2015 and 12.02.2015. The case of the prosecution is that this petitioner was working as Head Mistress in St.Alosysis Middle School, Korkkai, Sri Vaikundam Taluk, Thoothukudi District from 04.10.2002 to 31.10.2011. During the said period, it is alleged that she had tampered the school records and issued certificates to some persons as if they had studied upto 8th standard.

5. Learned counsel for the petitioner submitted that this petitioner is being victimised by the Management of the School, because this petitioner's husband had given a complaint against the School Management to the authorities.

6. According to the respondent police, Admission No.3056 was originally allotted in the school records to one S.Karpagam and the



said name was subsequently erased and in that place, the name of one Renit has been included and a second certificate for S.Renit for having passed 8th standard has been issued by the petitioner. The police also produced a record that was obtained from the Regional Transport Office, Thoothukudi. On perusal of the record, it appears that the above said Renit had applied for a driving licence stating that he had completed 8th standard. In support of his claim, he has given the certificate that has been signed by this petitioner herself, as if Renit has studied upto 8th standard.

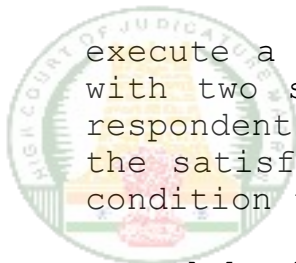
7. It is seen that this petitioner and her husband have been continuously harassing the Headmaster of the School, making frivolous complaints against him and have been disturbing the smooth running of the institution. On the directions of this Court, this petitioner and her husband have filed an undertaking affidavit, wherein in Paragraph No.2, they have stated as follows:

"2. I, David Raj has given a complaint against the present head master's sister by name Joseph Rexlin on 01.02.2011 before the District Crime Branch, Thoothukudi. The said complaint has not been registeerd and I will withdraw the said complaint dated 01.02.2011 given against Joseph Rexlin. We further submit that we would not interfere with the administration of Aloysius Middle School, Srivaikundam and also we would not interfere with the management activities of the school."

8. Be that as it may, admittedly, this petitioner, who is aged about 60 years is a retired Head Mistress of the school. Though the allegations against her are indeed very serious, in Paragraph No.4 of the status report, Police stated as follows:

"4. It is respectfully submitted that in the meanwhile the Petitioner herein has filed this petition with a prayer to enlarge her on anticipatory bail. It is submitted that this Hon'ble Court in CrI.O.P.(MD) No.995 of 2015 dated 22.01.2015 was pleased to grant interim anticipatory bail till 05.02.2015 to the Petitioner herein with a condition that she should appear before the Investigation Officer and gives her signature and thumb impression and co-operate with the investigation. In obedience to the said order, the Petitioner appeared on 29.01.2015 at 10.30 AM and as ordered by this Hon'ble Court her signature and thumb impression obtained on 02.02.2015 duly attested by the Village Administrative Officer concerned and that she is appearing daily in the appointed time."

9. Since the petitioner has co-operated with the investigation, her custodial interrogation may not be necessary, for, that will put her to humiliation. Hence, it will serve the interest of justice, if anticipatory bail is granted to this petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi, on condition that the petitioner shall



execute 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 the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 05:30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

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

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

[d] 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].

10. This Court places on record its appreciation to Mr.G.Sundaramahalingam, Sub-Inspector of Police, for the manner in which he is proceeding with the investigation, as could be seen from the case diary that was produced for my perusal.

sd/-

25/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.I, THOOTHUKUDI

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE DISTRICT CRIME BRANCH, THOOTHUKUDI.

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

+1. CC to M/S.P.SAMUEL GUNASINGH Advocate SR.No.8925

ORDER

IN

CRL OP(MD) No.995 of 2015

Date :25/02/2015

NA/26/02/2015/P3/6C

<https://hcservices.ecourts.gov.in/hcservices/>