



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

Friday, the First day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP (MD) No.8658 of 2018

P. RAMAMOORTHY

... PETITIONER/ACCUSED No.1

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
VIGILANCE & ANTICORRUPTION,
DINDIGUL.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.HENRI TIPHAGNE, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

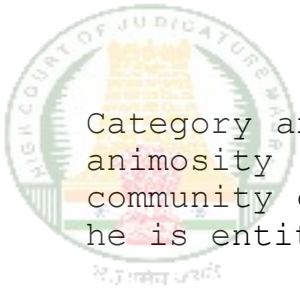
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 471 IPC and Sections 7, 12 and 13(1)(d)(ii) r/w 13(2) of the Prevention of Corruption Act, 1988, in connection with a case in Crime No.3 of 2018 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the prosecution, during the year 1986, the petitioner/A1 obtained fake community certificate as Malaivedan, a Scheduled Tribe (ST) community for getting appointment as Assistant Librarian in the Department of Society for Applied Microwave Electronics Engineering & Research (in short 'SAMEER') at Chennai, by depriving right of an eligible candidate to secure the said appointment and subsequently, during the year 2009, A2 conducted re-verification of the said certificate and certified as true.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the State and perused the materials available on record.

4.The contention of the petitioner is that he belongs to Malaivedan community in the ST category and he was appointed as Assistant at SAMEER purely on merit in the General/Unreserved



Category and some of his corrupt colleagues had harbour feelings of animosity against him and he was subject to harassment and the community certificate issued to him is a genuine one and prays that he is entitled for anticipatory bail.

5.The contention of the respondent is that in case of SC/ST community certificate, RDO is the competent authority to issue the certificate, but in this case, A1's community certificate was issued by the Tasildhar and verified by Tasildhar and not re-verified by RDO and hence, the community certificate of A1 is not genuine one and it is a fake one and prays that the petitioner is not entitled to anticipatory bail.

6.It is seen from the records that the petitioner is appointed as Assistant Librarian in SAMEER at Chennai. It is also seen from the records that as per G.O.Ms.No.2137 in the case of SC/ST, the power to issue community certificate was given to RDO. No document was filed on the petitioner's side to prove that his community certificate was re-verified by RDO, since it was given during the year 1986. Further, the offence committed by the accused is grave in nature and the investigation is still pending. Under these circumstances, this court is not inclined to grant anticipatory bail to the petitioner and the reasons stated in the petition are not at all acceptable.

7.Hence, in the interest of justice, this petition is **dismissed**.

sd/-
01/06/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE,
VIGILANCE & ANTICORRUPTION, DINDIGUL.
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.HENRI TIPHAGNE, Advocate SR.No.9347

ORDER
IN
CRL OP(MD) No.8658 of 2018
Date :01/06/2018