



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4840 of 2019

K.SIVASAMY

... PETITIONER / SOLE ACCUSED

Vs

THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT
(CRIME NO.11 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.JEYAKUMARAN Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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

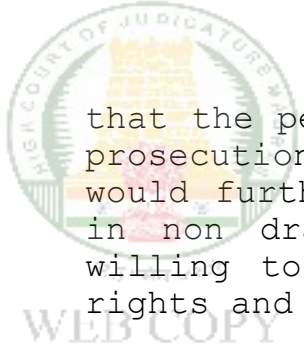
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 465, 467, 468, 471, 477 (A) & 420 of IPC in Crime No.11 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that date of occurrence is said to have taken place in between 01.04.2015 to 30.04.2015 and the complaint has been reported to the respondent police on 20.03.2019. The petitioner is working as a Junior Assistant in Government Primary Health Centre, Nettur, Alangulam, Tirunelveli District. It is alleged in the complaint that in the year 2015, he was employed as Junior Assistant in Food Safety Department and at that time, he surrendered his leave for a period of 35 days i.e., 31.03.2015 to 04.05.2015. It is further alleged that on 12.09.2018, he filed non drawn certificate to the block Medical Officer, Public Health Department, and requested him to get sanction from the designated officer and one karunakaran's (Designated officer) signature was attested and after deduction Rs.15,292/- was sanctioned and that money transferred to the petitioner. However, after lapse of two years it is alleged that the said karunakaran (Designated officer) not signed in the non drawn certificate and the same was forged by the petitioner. Hence the complaint.

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

3.The learned counsel appearing for the petitioner would submit



that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner has not known, who signed in non drawn certificate. However, the petitioner is ready and willing to deposit a sum of Rs.30,000/- without prejudice to his rights and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is come forward to deposit a sum of Rs.30,000/-, this Court may consider the anticipatory bail application of the petitioner.

5.Considering the facts and circumstances of the case and since the petitioner is come forward to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) without prejudice to his rights and contentions to show his *bona fide*, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Tirunelveli 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 deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to the Credit of Code No: 2210.06.001.A1.PH336 (Regional Medical Officer, Primary Health Centre, Nettur, Sankarankoil, Tirunelveli District, before the execution of sureties, without prejudice to his defence.

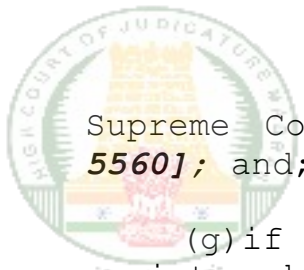
(b)the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(f)on breach of any of the aforesaid conditions, the learned 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]**; and;

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

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sd/-
01/04/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
TIRUNELVELI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:- REGIONAL MEDICAL OFFICER,
PRIMARY HEALTH CENTRE, NETTUR,
SANKARANKOIL, TIRUNELVELI DISTRICT.

+1. CC to MR.J.JEYAKUMARAN Advocate SR.No.5952

ORDER
IN
CRL OP(MD) No.4840 of 2019
Date :01/04/2019

MSI/JC/SAR 2/03.04.2019/3P-7C