

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.09.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.14834 of 2020

Rajakumari

... Petitioner

Vs.

The State rep by
The Inspector of Police,
DCB, Nilgiris Wing
Nilgiris District
(Crime No.2 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.2 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Ms.S.Thankira
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.08.2020 for the offences punishable under **Sections 420, 465, 466, 468, 471 of IPC, in Crime No.2 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the District Child Protection Officer is that the petitioner while working as Assistant and Data Entry Operator in the Juvenile Justice Board, Nilgiris, by fabrication of documents, falsification of accounts and forging the signature of the learned Principal Magistrate of Juvenile Justice Board of Nilgiris, had misappropriated an amount of Rs.1,05,461/-.

3. The learned counsel appearing for the petitioner would submit that the petitioner was working as Assistant and data entry operator in the Juvenile Justice Board and there was some miscalculation in the amount and the petitioner has been made scapegoat in the said allegation. He would further submit that since the anticipatory bail application filed by the petitioner has been dismissed by this Court, the petitioner has voluntarily

surrendered before the Village Administrative Officer (VAO) on 25.08.2020 and she was remanded to judicial custody on the very next day. He would further submit that the entire case of the prosecution has been borne out by documents and the petitioner is prepared to cooperate with the investigation. He would further submit that the petitioner has a small child to look after and thereby prays for bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was working as Assistant and Data Entry Operator in the Juvenile Justice Board, Nilgiris. She would further submit that the petitioner by forging the signature of the learned Principal Magistrate of Juvenile Justice Board of Nilgiris, by falsification of accounts had misappropriated a sum of Rs.1,05,461/-. She would further submit that the investigation is pending.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute her own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined;

(b) Thereafter, the petitioner shall execute 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 Judicial Magistrate, Udhagamandalam, within a period of two weeks from the date of commencement of the Court's normal functioning**, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner on her release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) 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/-
22/09/2020

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 JUDICIAL MAGISTRATE, UDHAGAMANDALAM
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE
- 3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 4 THE INSPECTOR OF POLICE, DCB,
NILGIRIS WING, NILGIRIS DISTRICT.

+1 CC to M/S K. BALASUBRAMANIAM Advocate on payment of
necessary charges SR.NO.6370

CRL OP.14834/2020

Date : 22/09/2020

GKS:24/09/2020