

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Nineteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.32278 of 2019

SANTHALAKSHMI

[ PETITIONER / ACCUSED ]

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
DCB, POLICE STATION,  
DHARMAPURI DISTRICT.  
CR.NO.3/2019

[ RESPONDENT ]

For Petitioner : M/S.R.SINGARAVELAN, Senior Counsel for  
M/S.C.PALANISAMY Advocate

For Respondent : M/S. T.P.SAVITHA, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 201, 205, 419, 465, 468, 420 IPC, in Crime No.3 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner conspired with other accused persons and issued death certificate in the name of one Govindasamy whereas, the original deceased name is Krishnan, who is the brother of Govindasamy. The entire issue has emanated from the hearing of the Division Bench in Crl. Appeal No.217 of 2016, whereby the District Crime Branch, Dharmapuri, was directed to register a case against the persons who issued the death certificate in the name of Govindasamy instead of his brother Krishnan.

3. Heard both sides.

4. The entire issue surrounds, giving a death certificate to Govindasamy but, the original deceased name is Krishnan, who is brother of Govindasamy. The petitioner was working as a Revenue Inspector in Naranapuram Village, Dharmapuri District. She has conspired with A5 and without conducting proper enquiry and without physical appearance to Naranapuram Village, conducting enquiry with the elders of the Village, has provided death certificate to the Govindasamy whose original name is Krishnan, who is the brother of the Govindasamy.

5. The petitioner has been seeking anticipatory bail at least on two earlier occasions and the applications were dismissed by this Court. Unfortunately, the respondent Police have not taken advantage of those dismissal orders and they have not secured the petitioner into custody.

6. In view of the fact that investigation could not proceed in the absence of petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner subject to following conditions:

7. Accordingly, the petitioner is ordered to be released on anticipatory 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-II, Dharmapuri, 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 said Magistrate, on further condition that:

[a] the petitioner and the sureties shall affix their photographs 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30p.m., until further orders.

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

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

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
19/02/2020

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,  
NO.II, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
DCB, POLICE STATION,  
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2 CC to M/S.C.PALANISAMY Advocate on payment of necessary charges  
SR.No.3297

cs 21/02/2020

CRL OP.32278/2019

Date :19/02/2020



WEB COPY