



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

Date : 09/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.14474 of 2020

Kannan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuar District.
Crime No.54 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

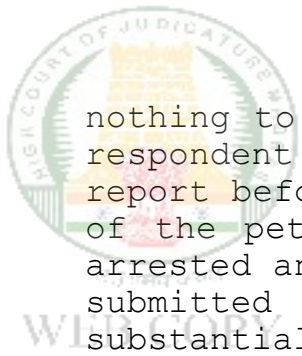
PRAYER :- For Bail in Crime No.54 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 27.09.2020 for the offences punishable under Sections 465, 468, 471 and 420 of IPC in Crime No.54 of 2020, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the first accused was working as Superintendent in CEO office, Ramanathapuram District and he connived with A2 to A4 and collected Rs.20,00,000/- to get post of Junior Assistant in the Government Schools, for which he prepared fake appointment order as if A3 to A5 were selected post for the post of junior assistant in various schools of Ramanathapuram District.

3.The learned counsel for the petitioner would submit that the petitioner herein is arrayed as A1 and he was working as Superintendent in CEO Office Ramanathapuram District. When the second accused was working in another department A3 to A6 have induced them to part money to get the post of junior assistant in various schools. He would also submit that the petitioner has



nothing to do with the alleged crime. He further submitted that the respondent police completed investigation and also filed final report before the concerned Court, therefore custodial interrogation of the petitioner may not be required and further the petitioner was arrested and remanded to judicial custody on 27.09.2020. He further submitted that the petitioner is ready and willing to deposit a substantial amount. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner was working as Superintendent in the CEO office, Ramanathapuram District. He connived with other accused persons and fabricated appointment order for the post of Junior Assistant in various schools of Ramanathapuram District. When A3 and A4 joined in the respective schools the concerned Head Master of the school came to know that the no appointment order was issued by the Chief Educational Officer, Ramanathapuram District and found that all the appointment order produced by A3 and A4 were fabricated one. Investigation reveals that all the accused persons were induced by the first and second accused and they have received Rs.20,00,000/- and issued fake appointment orders. Therefore the petitioner has played a vital role, hence he opposed to grant bail to the petitioner.

5. It is seen that there are totally six accused in this case and the petitioner herein is arrayed as A1. While he was working as a superintendent in the CEO Office, Ramanathapuram District he along with other accused persons received a sum of Rs. 20,00,000/- and issued fabricated fake appointment orders as if A3 to A6 were selected for the post of Junior Assistant. A3 to A6 joined in the schools and later it was found that the appointment orders were fabricated one. The respondent police completed investigation and filed final report. The petitioner is willing and ready to pay a substantial amount to the defacto complainant.

6. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

[a] the petitioner shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the defacto complainant directly, without prejudice to his defence before the trial Court

[b] On such deposit, 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 learned Judicial Magistrate No.II, Ramanathapuram District.

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



[d] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

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

[g] 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].

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

sd/-
09/12/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14474 of 2020
Date : 09/12/2020

MS/PN/SAR-2/09.12.2020/3P.6C