

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P. No.8538 of 2021

J.Sumathi

.. Petitioner/Single Accused

Vs.

State Represented by its,
The Inspector of Police,
Nemili Police Station,
Ranipet District.
[Crime No.95 of 2021]

.. Respondent / Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate, Criminal Side

ORDER

(The matter is heard through "Video Conferencing/Hybrid mode")

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420 of IPC in Crime No.95 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a BT Assistant (English) Teacher in Government Girls Higher Secondary School, Nemili Taluk, Ranipet District. On 08.04.2021, the Chief Educational Officer, Ranipet District issued suspension order to the petitioner stating that the petitioner's plus two marks statement in Certificate No.AB1500767 containing D.O.B.09.09.1976, Reg.No.867164, TMR Code No.G281449 dated 25.05.1995 is not genuine certificate and she has created the plus two marks statement certificate as forged and cheated the Government. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner belongs to Katunaicker Community which comes under Scheduled Tribes (ST) Community and her date of birth is 09.09.1976 and she failed in three subjects in plus two in the year 1994. Subsequently,

she appeared through private study during March 1995 and passed the three subjects. Thereafter, she joined B.A. English Literature in the University of Madras and secured third class during March 2004. Afterwards, she joined Bachelor of Education Course in Thiruvalluvar University and secured first class and she was awarded Graduation Certificate dated 29.12.2008 and registered her name in the District Employment Office in Register No.2008F21142 on 22.10.2008. Subsequent to registration in the District Employment Office, she got appointed as Graduate Assistant on 07.09.2009 vide proceedings dated 15.09.2009 and she was working in the service for more than 10 years without any remarks. Now, without any prior notice or without any enquiry, she was suspended from service and F.I.R. has been registered against her. The learned counsel would further submit that this case is only based on documentary evidence and at this stage, custodial interrogation is not necessary and this is the First Anticipatory Bail Application filed by the petitioner. He also stated that the petitioner is an innocent and she has been falsely implicated in this case and hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent/Police would submit that the petitioner cheated the Government by producing forged certificate and joined the Government Service. Hence he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that the petitioner is suspended from service and the entire case is based on the forged records which are to be verified by the Forensic Department, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Arakkonam, 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, failing which, the petition for anticipatory bail shall stand dismissed and 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 for a period of two weeks at 10.30 A.M. and as and when required for investigation.

[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/-
05/05/2021

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
NEMILI POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR.NO. 5856

CRL OP.8538/2021

Date :05/05/2021

MN-12/05/2021