

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10067 of 2021

A. Radha

... Petitioner

Vs.

State represented by its,
Inspector of Police,
Taluk Police Station,
Villupuram District.
(Crime No.754 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.754 of 2021 in the event of arrest on the file of the respondent Police Station.

For Petitioner : Mr.T.Selva Thirumurugan

For Respondent : Mr.A.Gopinath
Government Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 415, 465, 468, 420 and 471 of IPC in Crime No.754 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner secured a job in District Court, Villupuram in the year 2000. After completion of more than 15 years of service it came to light that the petitioner had produced fake transfer certificate. Hence, Departmental action has been initiated as per Tamilnadu Civil Services (Discipline and Appeal) Rules) and enquiry was also conducted and the learned District Judge passed a dismissal order on 17.04.2021 and also issued a further direction to lodge a criminal complaint against the petitioner. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that in order to prove the genuineness of the transfer certificate, the petitioner has approached his school. Since the certificate was issued long back there is no record to prove the genuineness of the certificate. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) opposed the anticipatory bail application by stating that the petitioner has secured a job by obtaining a fake certificate and the learned judge has initiated criminal action against the petitioner.

5. It is not an dispute that the petitioner has completed more than 20 years of service and due to retire on 31.05.2022. Though departmental proceedings ended in dismissing the petitioner from service. However criminal machinery has been set in motion. In this background the submission of the learned counsel for the petitioner that since the certificate was issued long back there are no records available in the school to prove the genuineness of the certificate, which submissions deserved to be accepted. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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.1 Villupuram 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 for a period of two weeks and thereafter as and when required for interrogation.

(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 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;

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

-sd/-

16/06/2021

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,
NO.I, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.S.SELVATHIRUMURUGAN Advocate on payment of necessary charges SR.No.6559

CRL OP.10067/2021

Date :16/06/2021

cs 02/07/2021