

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.17436 of 2020

Kannammal

... Petitioner

-Versus-

1.The Deputy Superintendent of Police,
District Crime Branch,
Office of the Deputy Superintendent of Police,
District Police Office,
Near Collectorate,
Dharmapuri 636 705.

2.The Inspector of Police,
District Crime Branch,
Office of the Deputy Superintendent of Police,
District Police Office,
Near Collectorate,
Dharmapuri 636 705.
[Crime No.9 of 2020]

... Respondents

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of her arrest in Crime No.9 of 2020 pending investigation on the file of the District Crime Branch, Dharmapuri.

For Petitioner : Mr.Naveen Kumar Murthi

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

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O R D E R

(The case has been heard through video conference)

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence under Sections 417, 420, 466, 468 and 471 of IPC on the file of the District Crime Branch, Dharmapuri, seeks anticipatory bail.

2. Heard both sides.

3. The petitioner herein was appointed as Secondary Grade Teacher in the year 2001 and subsequently, she has been promoted as Head Master. While so, according to the prosecution, now on verification of the SSLC mark sheet produced by the petitioner, it came to light that the mark sheet produced by the petitioner was not genuine one. Hence, this case.

4. The learned counsel for the petitioner submitted that the petitioner has been working in the Education Department for nearly 20 years. While so, all of a sudden, with a vindictive motive, the authorities have filed a false complaint.

5. Per contra, the learned Additional Public prosecutor submitted that the petitioner did not pass SSLC, however, she had managed to get an appointment as Secondary Grade Teacher as if she was qualified. But, later on, it was found that mark sheet produced by the petitioner was not genuine and investigation is pending.

6. Taking into consideration the fact that the petitioner has been serving in the School Education Department for more than 20 years and a departmental proceeding has been initiated against her for having produced a fake mark certificate for getting an appointment as Teacher and also on considering the fact that the investigation is borne out of records and substantial portion of investigation has already been over, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

(a) 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 Chief Judicial Magistrate, Dharmapuri, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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:

(b) 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.

(c) The petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioner shall not abscond either during investigation or trial.

(f) 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 Chief Judicial 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].

(g) 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/-

05/02/2021

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 CHIEF JUDICIAL MAGISTRATE
DHARMAPURI, DHARMAPURI DISTRICT.

2 DEPUTY SUPERINTENDENT OF POLICE,
THE DISTRICT CRIME BRANCH, OFFICE OF
THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT POLICE OFFICE,
NEAR COLLECTORATE,
DHARMAPURI 636705

3 THE INSPECTOR OF POLICE
THE DISTRICT CRIME BRANCH,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT POLICE OFFICE,
NEAR COLLECTORATE
DHARMAPURI 636705.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.NAVEEN KUMAR MURTHI Advocate on payment of necessary charges

CRL OP.17436/2020

Date :05/02/2021