



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15999 of 2021

N.SHOBANA

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
RANIPET DISTRICT.
(CR.NO.85 OF 2021)

[RESPONDENT]

For Petitioner : M/S. B.SUNDARAPANDIYAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Cr1. Side)

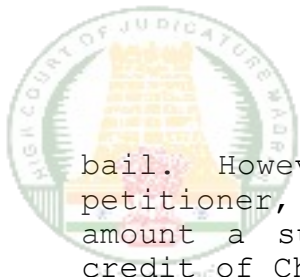
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 463 & 464 of I.P.C in Cr.No.85 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioner has committed serious irregularities by providing counter factual information and credentials to seek appointment to the post of Secondary Grade Teacher in the Directorate of Elementary Education. The petitioner is presently working as Head Master in the Panchayat Union Primary School, Minnal (East), Arakkonam Block, Ranipet District. At the time of joining the service, she produced the fake +2 marksheet. When the same was found by the District Educational Officer, Arakkonam, the petitioner was placed under enquiry. Hence the defacto complainant lodged a criminal prosecution against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner has been working in the educational field for past several years and there is no black mark on her so far and further after verifying all her educational certificate only, the Directorate of Elementary Education appointed the petitioner as a Teacher. Hence prays for grant of anticipatory



bail. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit the amount a sum of Rs.25,000/- (Rupees Twenty Five Thousand) to the credit of Chief Educational Officer, Ranipet District.

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4. The learned Additional Public Prosecutor submitted that the investigation is pending in this case. He strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and further since the petitioner has already placed under suspension and enquiry under Section 17b of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 has been initiated, 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, 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Chief Educational Officer, Ranipet District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond 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]*; and;

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

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

06/09/2021

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,
ARAKKONAM TALUK POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER,
RANIPET DISTRICT.

+1CC to M/S. B.SUNDARAPANDIYAN Advocate on payment of necessary charges SR.NO.9598

CRL OP.15999/2021

Date :06/09/2021

CSK 22/09/2021

<https://hcservices.ecourts.gov.in/hcservices/>