



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17049 of 2021

1 N.JAISHANKAR

[PETITIONERS / ACCUSED]

2 S.INDHIRA

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
THIRUPATHUR DISTRICT.
CRIME NO.590 OF 2021.

For Petitioner : M/S.G.APPAVU Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 120-B, 167, 420, 468, 471, 477-A of IPC in Cr.No.590 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a recruitment process held for recruiting Village Assistant in the locality. The defacto complainant submitted that the recruitment process was not conducted properly and there are some irregularities in the recruitment process and the candidates were selected contradictory to the rules. Thereby aggrieved person Namadevan filed the W.P.No.21211/2010 to conduct enquiry and take proper action against the erred officials. After investigation, it was found that they have committed irregularities in recruiting process. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and the defacto complainant had filed this case fully on wreck vengeance. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl side) submits that there was some irregularities in recruitment process and till date disciplinary action was not taken.

WEB COPY

5. Considering the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Thirupathur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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.



7. However, this order will not stand in the way of the District Commission to take necessary disciplinary action against the petitioners.

WEB COPY

-sd/-
16/09/2021

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,
NO.I, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
THIRUPATHUR DISTRICT.

+1 CC to M/S.G.APPAVU Advocate on payment of necessary charges
SR.NO.10142

CRL OP.17049/2021

Date :16/09/2021

TA-22/09/2021