



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17856 of 2021

S.RAMAMOORTHY

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S. M.R.THANGAVEL Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 167, 420, 468, 471 and 477A of I.P.C. in Cr.No.590 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a recruitment process held for recruiting Village Assistant in the locality. 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 the aggrieved person Namadevan filed W.P.No.21211/2010 before this Court. Based on the order dated 18.07.2019 made in W.P.No.21211/2010 it was ordered to conduct enquiry and take proper action against the erred Officials. Thereafter, the investigation was conducted by the Thasildar and it was found 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. Hence, the law enforcing agency registered a case against the petitioner.



3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant had filed this case in order to wreck vengeance. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

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

5.Considering the facts and circumstances of the case, 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-1, Tirupattur, 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 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;

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



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

WEB COPY

-sd/-
27/09/2021

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, TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. M.R.THANGAVEL Advocate on payment of necessary charges SR.NO.10668

CRL OP.17856/2021

Date :27/09/2021

RW 30/09/2021