

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19503 of 2020

Aarumugam

.. Petitioner

Vs.

State represented by
Station House Officer,
Mudaliarpet Police Station,
Puducherry.
(Crime No.447 of 2020)

.. Respondent

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.447 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.P.Rahman Sheeriff F.

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

ORDER

(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 419, 471 r/w 34 of I.P.C. in Crime No.447 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner using his brother's certificate, obtained employment thirty years ago as Multi Tasking Staff in the Fisheries Department. In the year 2020, based on some anonymous letter, enquiry was conducted and in the enquiry it was found that the petitioner impersonated himself and using his brother's certificates got the job thirty years back. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence and he produced his own certificates and not his brother's certificate and got the job and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor appearing for the respondent would submit that on enquiry it was found that the petitioner has studied upto 6th standard and he is not qualified to such appointment. However, using his brother's certificate he got appointment and now departmental proceedings is also pending against the petitioner.

5. Considering the facts and circumstances of the case, and also the fact that the petitioner is working in the Fisheries Department for the past 30 years, 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 Judicial Magistrate No.III, Puducherry, on condition that the petitioner shall execute a separate 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 on every Monday at 10.30 a.m. until further orders.

(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 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].

(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/-
27/01/2021

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.III
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUCHERRY [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
MADALIARPET POLICE STATION,
PUDUCHERRY.

+2 CC to M/S.RAHMANSHERIFF.F Advocate on payment of necessary charges SR NO. 952

सत्यमेव जयते

CRL OP.19503/2020

Date :27/01/2021

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MN-04/02/2021