



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20230 of 2021

R.MEDONA

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU REP BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
THE DISTRICT CRIME BRANCH,
OOTY.
CRIME NO.NOT KNOWN.

For Petitioner : M/S.G.SELVI GEORGE Advocate

For Respondent : M/S.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 Section 420 of I.P.C. read with the Tamil Nadu Pension Rules, 1978, in Cr.No.not known on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's husband was working as Assistant in the Forest Department and he died during the year 2013. At the time of his death, their daughter was studying XII Standard. Thereafter, the petitioner performed second marriage during the year 2017, however, suppressing the second marriage, she received family pension. Hence, the defacto complainant, who is the Treasury Officer lodged the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. She further submitted that family pension is meant for the family members and hence the petitioner is entitled to receive family pension and in the absence of the petitioner the daughter is entitled to receive family pension till she attain the age of 25 years as per the Tamil Nadu Pension Rules. She further submitted that already the family pension was suspended and recovery order was passed.



4.The learned Government Advocate submitted that based on the complaint lodged by the defacto complainant, a case in Crime No.5 of 2021 for the offence under Section 420 of I.P.C. was registered by the respondent Police. He further submitted that as per the Tamil Nadu Pension Rules, the widow of the Government servant is entitled to receive family pension and if the widow is re-married, she is not entitled to receive pension. In the present case, the daughter is entitled to receive family pension till she attain the age of 25 years, however, the daughter has not made any application for family pension. The petitioner deliberately suppressed her second marriage and received the family pension, which is a heinous offence.

5.Considering the fact that already the family pension was suspended and recovery order was passed, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ooty, 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.

WEB COPY

-sd/-
28/10/2021

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,
OOTY, NILGIRIS.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THE DISTRICT CRIME BRANCH,
OOTY.

+1 CC to M/S.G.SELVI GEORGE Advocate on payment of necessary charges SR.NO.12028

CRL OP.20230/2021

Date :28/10/2021

TA-01/11/2021