



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.68 of 2022

V.Navaneetha

...Petitioner

Versus

State represented by
The Inspector of Police,
Kolathur Police Station,
Salem District - 636 303.
(FIR No.440 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in FIR No.440 of 2021 dated 15.12.2021 on the file of the respondent police.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 466, 468 and 471 of IPC, in FIR No.440 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has given a bogus community certificate when she attempted to get certificate for her children. Hence, the complaint.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that suppressing the earlier complaint on 06.11.1989 is suspicious and Sub Collector, Salem or Tahsildar failed to disclose the records for the year 1989. As such allegations made against the petitioner is nothing but to harass the petitioner and the community she belongs to. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submitted that the petitioner originally belongs to Hindu Kondareddy Schedule Tribe Community. When the petitioner produced the same certificate for her children, it was found as bogus certificate by the defacto complainant. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the age of the petitioner is about 44 years and she is house-wife, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Mettur, 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, being the lady, shall report before the respondent police every Wednesday at 10.30 a.,m until further orders.

(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 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.

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-sd/-

06/01/2022

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, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT-636303

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.N.NAGANATHAN Advocate on payment of necessary charges SR.No.392

CRL OP.68/2022

Date :06/01/2022

CSK 19/01/2022