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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.644 of 2022

A.R. Mohideen .. Petitioner

Vs.

The State rep by
The Inspector of Police
Tambaram Police Station,
Tambaram.
Crime No. not known .. Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No. not known pending investigation on the file of the respondent police.

For Petitioner : Mr. N. Senthilkumar

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

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ORDER

The petitioner, who apprehends arrest for the alleged offences under Sections 120-B, 406, 420, and 471 of IPC in Cr.No. Not knwon on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner working as Sanitary Officer in Tambaram Corporation has made a forgery file regarding secondary transport of garbage in R.O.C. No.1456/2020/H1 and affixed the signature of the then Commissioner, Tmt. S. Chitra and on the suspicion of the aforesaid offence, he was placed under suspension by the Director of Municipal Administration, Chennai by order dated 31.12.2021 in ROC No.33968/01/2021 for the aforesaid offence. Hence this Complaint.

3.The learned counsel appearing for the petitioner submits that the Department merely suspects the involvement of the petitioner in the alleged offence. While the Department action is in progress and

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without having established a prima-facie in the charges against the petitioner, the Department has initiated criminal action against the petitioner by filing a police complaint with the sole objective of harassing him. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the petitioner is said to have affixed the signature of the then Commissioner, |Tmt. S.Chitra and made a forgery file regarding secondary transport of garbage. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner, 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 *Judicial Magistrate No.I, Tambaram* 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 is directed to appear before the respondent police on every Monday and Saturday at 10.30 a.m until further orders;

(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;

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

-sd/-
12/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
TAMBARAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. N.SENTHILKUMAR Advocate on payment of necessary charges SR.No.699

CRL OP.644/2022

Date :12/01/2022

CSK 20/01/2022

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