



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12580 of 2022

S.NARAYASAMY

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
PUDUCHERRY
CR.NO.0008 OF 2022.

[RESPONDENT]

For Petitioner : M/S. M.GNANASEKAR Advocate

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Crl. Side)

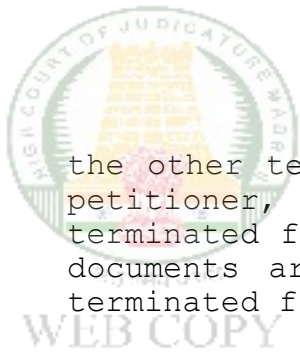
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 181, 193, 198, 420, 468, 471 of IPC in Crime No.0008 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the the petitioner has fraudulently submitted the birth certificate of his younger brother before the Judicial Magistrate -II, Tindivanam, with the dishonest intention of continuing in Government service beyond 60 years of age and the petitioner obtained order of Court in his favour. The petitioner has not furnished his original S.S.L.C. certificate and caused loss to the Government to the tune of Rs.41,85,311/-. Hence, the complaint lodged as against the petitioner.

3.The contention of the petitioner is that the petitioner joined in Government service in the Education Department of Puducherry in the year 1980 at that time his date of birth was wrongly given as 1953. After realising the mistake, the petitioner had filed a petition before Judicial Magistrate-II, Tindivanam in the year 2014 and his date of birth was altered. Thus, his service got extended and on 15.02.2018 he was suspended. The petitioner being the strict Physical Education Teacher having good reputation earned wrath from



the other teachers who managed to send a false petition against this petitioner, subsequently enquiry was conducted and the petitioner was terminated from his service. He further submits that all the relevant documents are available with the respondent police, petitioner was terminated from the service and also denied retirement benefits.

4.The Learned Government Advocate (Criminal Side) submits that the petitioner joined his Government service in the Education Department in the year 1980. At the time of joining his service, one tentative list and one final seniority list were published by the Education Department. In that list his date of birth was mentioned as 08.04.1953. Till 2017, he made no dispute with regard to his date of birth. Later, he managed to file a petition and obtained an order from the learned Judicial Magistrate-II, Tindivanam as if his date of birth was wrongly mentioned as 08.04.1953 instead of 08.04.1958. Further submitted that if the petitioner born in the year 1958, he could not have completed his S.S.L.C in the year 1971. He also got his extension of service and caused loss to the Government to the tune of Rs.41,85,311/-. He further submitted that the enquiry report also reflects the same. Further some more documents need to be collected from the Education Department, As soon as the same is collected, Final Report will be filed before the concerned Court.

5.Considering the nature of the offence and the case is document based offence and most of the documents are already available with the respondent police, custodial interrogation may not be necessary in this 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 on which the order copy made ready, before the learned Judicial Magistrate No.IV, Puducherry 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, failing which the petitions for anticipatory bail shall be dismissed 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 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;

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

-sd/-

26/05/2022

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.IV, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
PUDUCHERRY

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

CC to M/S. M.GNANASEKAR Advocate on payment of necessary charges Sr.8067

CRL OP.12580/2022

Date :26/05/2022

RVR 31/05/2022