



Crl.O.P.No.23145 of 2022

Crl.O.P.No.23145 of 2022

A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 466, 468, 471, 474 of IPC in Crime No.317 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Murugan, who is the Executive Officer of Muthur Town Panchayath is that the petitioner had obtained an order from the Court in the Writ Petition in W.P.No.26472 of 2014 by producing a fake certificate. The defacto complainant had given the complaint seeking to find out whether the appointment order produced by the petitioner was genuine or not. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Over Head Tank Operator of Muthur Town Panchayath by an order dated 26.05.2014 in Na.Ka.No.80 of 2013. Subsequently the very same Executive Officer had obtained money from



Crl.O.P.No.23145 of 2022

WEB COPY

another person Latha and issued an appointment order for the very same post. The petitioner has filed a Writ Petition in W.P.No.26472 of 2014 and this Court had directed registration of the case. Now, in order to escape from the clutches of law, the officials have made this petitioner as an accused who produced a fake appointment order. All along from 2014, the defacto complainant has not stated as if the petitioner's appointment order is a fake one. He would submit that the case of the prosecution is borne out by documents and the petitioner is ready and willing to appear before the respondent for enquiry. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner had fabricated an appointment order for the post of Over Head Tank Operator and he has also filed a Writ Petition in W.P.No.26472 of 2014 and on the direction of this Court, the Executive Officer has given a complaint. He would further submit that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.23145 of 2022

WEB COPY

5. Taking note of the facts and circumstances and also the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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, Kangayam** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees twenty five 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 petition for anticipatory bail shall stand 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



WEB COPY



Crl.O.P.No.23145 of 2022

A.D.JAGADISH CHANDIRA.J.

vkrr

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.09.2022

vkrr

Crl.O.P.No.23145 of 2022