



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.26057 of 2021

D.Selvi

... Petitioner

Versus

State by
The Inspector of Police (Crime),
Poonamallee Police Station,
Thiruvallur District.

(*) (Crime No.09 of 2022)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in pending **(*)Crime No.09 of 2022** on the file of the respondent police.

For Petitioner : Mr.P.D.Selvam

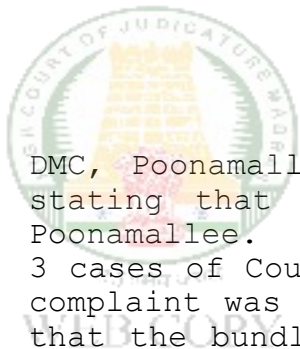
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor
[CRL.O.P.NO.26057/2021]

MR.R.KISHORE KUMAR,
Govt. Advocate (Crl. Side)
[CRL.M.P.NO.5642/2022]

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **(*)Sections 408, 420, 465, 468, 471 of IPC** in **(*)Crime No.09 of 2022**, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is permanently residing at the above said address and she is working as a Bench Clerk Grade - III before the District Munsif Court at Poonamallee. Accordingly the defacto complainant is a Head Clerk of



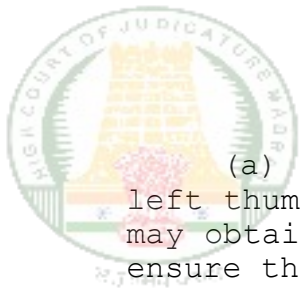
DMC, Poonamallee and he made a complaint with the respondent police stating that the petitioner is working as a Bench Clerk at DMC, Poonamallee. Therefore in RCOP Nos.58, 59, 3 of 2018. All the above 3 cases of Court bundles were missing from the Court custody. So the complaint was made by the party as well as counsel in the above case that the bundles were missing from the Court custody. On the basis the complaint, the learned Judge was issued the summons to the petitioner on 16.09.2021 directed her to found out the bundle within one month, failing which take necessary action against the petitioner herein. Accordingly, the petitioner was searching / tracing out the bundle and handed over to the Court. Further the complaint was arose by the counsel that the documents were missing. At this juncture, the Court look into the bundle and found out that the petitioner forged the signature of adjudication made by the learned Judges in the adjudication and produced the Court bundles. On this aspect the Principal District Judge of Thiruvallur after conducting enquiry she was suspended from her service on 02.12.2021. Hence, the complaint.

3. The learned counsel appearing for the petitioner 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 submitted that no previous antecedent in the Judicial Department against her. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner suspended from her service. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, she is Government Servant, she will not absconded, hence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed 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.II Poonamallee** 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 petition for anticipatory bail shall stand dismissed and on further condition that:



(a) 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 (b) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders and co-operate for investigation;

(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/-
04/01/2022

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.

(*)AMENDED AS PER ORDER OF THIS COURT DATED 16/06/2022 MADE IN CRL.MP.No.5642 OF 2022 IN CRL.O.P.NO.26057 OF 2021

TO

**(*)1 THE JUDICIAL MAGISTRATE,
NO.II POONAMALLE.**

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
POONAMALLE, THIRUVALLUR DISTRICT.



3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

4 THE INSPECTOR OF POLICE, (CRIME),
POONAMALLEE POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.D.SELVAM Advocate on payment of necessary charges
SR.NO.9267

CRL OP.26057/2021

Date :04/01/2022

JPA 07/01/2022

JPA 22/06/2022