



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16380 of 2022

WEB COPY

1. V.Ramar

2. R.Veeralakshmi

... Petitioners/Accused (A1 & A2)

Vs

State Rep.by

The Inspector of Police,

Dhalavaipuram Police Station,

Virudhunagar District.

Crime No.151 of 2022.

... Respondent/Complainant

For Petitioners : MR.AJMAL KHAN, Senior Counsel
for MR.C.VENKATESH KUMAR, Advocate
for M/S.AJMAL ASSOCIATES
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.151 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120 (b), 467, 468, 419 and 420 IPC, in Cr.No.151 of 2022, seek anticipatory bail.

2.The case against the petitioners is that the petitioners and other accused have obtained an approval for the appointment of one Mrs.Banu Rekha, who is third accused in this case, as Physical Education Teacher in the petitioners' school by producing forged certificates before the educational authority. Based on the complaint given by one Muthiah, who is the District Educational Officer, Srivilliputhur, the respondent police registered the present case.

3.On the side of the petitioners, it is stated that the first petitioner is the Secretary of R.V.Thevar Memorial Girls Higher Secondary School and the second petitioner is working as Head Mistress in the said school. The appointment of Mrs.Banu Rekha/A3 as Physical Education Teacher was approved by the District Educational



Officer vide proceedings, dated 13.05.2014 with a condition the approval is subject to verification of genuinely of the certificate. Later, it was found that the said certificate is a bogus one and the approval of appointment was cancelled subject to recovery of salary. The arrears of salary was claimed and a sum of Rs.51,338/- was credited into the account of Mrs.Banu Rekha/A3 directly, through ECS by the District Educational Officer, Srivilliputhur. Thereafter, as per the instruction of the Chief Education Officer, the first petitioner repaid the entire amount, which was credited to A3. It is further stated that the occurrence is of the year 2014 and after a lapse of 8 years the present FIR has been filed. Hence, the petitioner prayed for allowing this petition.

4.On the side of the prosecution, it is stated that the petitioners have obtained an approval for the appointment of one Mrs.Banu Rekha/A3 as Physical Education Teacher in the petitioners' school by producing forged certificates before the educational authority and prayed the petition to be dismissed.

5.Considering the nature of the offence and on considering the fact that the entire amount had already been paid to the Education Department, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Rajapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/09/2022

/ TRUE COPY /

/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9897[I] dated
13/09/2022)

ORDER

IN

CRL OP(MD) No.16380 of 2022

Date :12/09/2022

SJI

RS/SBN/SAR.2 (21.09.2022) 3P-6C