

Crl.O.P.No.2424 of 2023

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 419, 420, 465, 468 and 406 of IPC in Cr.No.32 of 2023 on the file of the respondent police, seek anticipatory bail.

2. There are six accused involved in this case in which A1 to A5 who are arrayed as petitioners and A6 is the sweeper. The case of the prosecution is that the petitioners had forged and fabricated seal of the Postal Department and had submitted documents relating to a tender and that they had played a fraud. Hence, the Law Enforcing Agency registered a case against the petitioners.

3. The learned counsel appearing for the petitioners would submit that A2/Contractual Staff/Mr.Jashingh was a SAS Agent appointed by District Collector, Collector office (Small Savings), Vellore. A6/Mr.Pichai is the sweeper, they are not regular staffs of the Postal Department. The fourth petitioner is the person who received the Tapal and the fifth petitioner/A1 is one of the tenderer. He further submitted that the petitioners 1, 3 and 5 are



not manipulated the postal authorities seal and stamp and not sent a letter to the defacto complainant with malafide intention as alleged by the FIR. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned **Government Advocate (Crl side)** raised objection stating that A6 is the temporary staff/sweeper and with the help of accused Mr.Jaisingh and one Mr.Pichandi, they misused the postal dates and tried to deliver the letters to Defacto Complainant/ Municipality Office, Arcot with regard to tender matter. Pursuant to that District Collector removed A2/Jaisingh's Agency on 23.12.2022 and A6/Pichai was removed from the Agency on 22.12.2022. However, he vehemently oppose for granting anticipatory bail to the petitioners.

5.Now the another Intervenor, by way of public interest, he is the President of the Adi Dravidar, Arcot appeared and submitted that these petitioners have colluded together and manipulated the documents, if the anticipatory bail granted to these petitioners, which would cause much prejudice because a large sum of public money involved in this matter. Hence, he opposed for grant of anticipatory bail to the petitioners.



6. But the learned counsel for the petitioners submitted that the Intervenor not filed any vakalat and he has no *locus standi* to raise objections. However, on the interest of public, he raised his objection and it is also taken note by this Court.

7. Considering the fact that contractual staffs are already removed from the post and the petitioners were also the permanent resident of Arcot, and there is no previous case pending against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners with following conditions;

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate, Arcot***, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each** with two sureties **(out of which, one surety must be blood related surety)**, 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 petitioners 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 petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two months 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 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.



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To

The Judicial Magistrate,
Arcot

T.V.THAMILSELVI, J.

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