



CrI.O.P.No.4882 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 167,199,465,467,468,471,406,420 r/w 120(B) of I.P.C in Crime No.2 of 2021 pending on the file of C.C.No.211 of 2022, Chief Judicial Magistrate Court, Thiruvarur seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, Sharifah Rabiathul Batharia is that the main accused Farok Ahmed in collusion with the Revenue Officials and others by fabrication of documents and manipulation of records has received compensation amount from the Government. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that the petitioner was working as a Special Tahsildhar, Land Acquisition and that A1 has presented some documents



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and applied for compensation amount and the petitioner has only processed the application and she was not aware of the offence committed by A1. The petitioner later understood that A1 holds the power of attorney given by the defacto complainant and other accused. He would further submit that the petitioner is not a beneficiary in the said transaction and as she is the Revenue Official and he assures that the petitioner will not tamper any evidence if anticipatory bail is granted to her. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner is a Tahsildar (Land Acquisition), she along with A1 by manipulation of records has processed the compensation in favour of A1. Hence he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6.Taking into consideration the facts and submissions of the learned Counsel and also of the fact that the petitioner is not a beneficiary in the above transaction, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Chief Judicial Magistrate, Thiruvarur** 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 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.



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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

09.03.2023

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