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Crl.O.P.No.5599 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 465, 467, 468, 471, 420 and 120B of IPC in Crime.No.206 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Shankarpandi, Executive Engineer and Administrative Officer, Besant Nagar Division of Tamil Nadu Housing Board (TNHB) Office is that the petitioner along with other accused, who are the employees of TNHB by fabricating the documents and tampering the records, have sold the housing board lands to private parties. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this



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case. He would further submit that the petitioner is an employee working under TNHB for the past twenty years without any blemish. While so, the petitioner is now working as a Junior Assistant in Besant Nagar Region and the other accused by forging her signature have fabricated the documents as if the files were processed by her. He would further submit that some of the main accused in this case have been granted anticipatory bail. He would further submit that the petitioner was given a Show Cause Notice for Departmental Enquiry and she has also given a reply. He would further submit that the authorities finding that the petitioner has not committed any mistake and they have not suspended her. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with the other accused, who are the employees of Tamil Nadu Housing Board (TNHB) by fabricating the documents and tampering the records, have sold the



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housing board lands to private parties. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by Counsel on either side and also of the fact that the petitioner is still in service of Tamil Nadu Housing Board (TNHB), 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 Judicial Magistrate, Alandur**, 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;

[b] the petitioner shall report before the respondent police every day at 5.30 p.m., for a period of two weeks and thereafter every Saturday 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***



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of Kerala [(2005) AIR SCW 5560]; and;

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

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