



Crl.O.P.No.11695 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 420, 468, 471 read with 34 of IPC and Section 13(2) of the Prevention of Corruption Act, 1988 in Crime No.1 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has joined as Dialysis Operator in Indira Gandhi Government General Hospital by producing fabricated experience certificate. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He, further submitted that the petitioner is a well trained technician in Dialysis and she was selected to work in the Government Hospital, during 2013 and she rendered her unblemished service for more than 8 years. She had never produced any fake certificate for securing the job. The petitioner has fulfilled all other educational qualifications



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and has satisfied the eligibility criteria for the said post. The respondent without even conducting proper enquiry, had removed the petitioner from service and she is now without employment. He would also submit that the petitioners is ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that by producing fabricated experience certificate, the petitioner has joined in the Government Hospital as Dialysis Operator. The petitioner has been removed from service. 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.



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6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. This Court is of the opinion that the case of the prosecution is borne out by records and the custodial interrogation may not be required in this case at this stage.

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 Principal District Judge, Puducherry** 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 :



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[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court 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 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am., 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] 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 petitioners released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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

8. Accordingly, the Criminal Original Petition is ordered.

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