



Crl.O.P.No.23245 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 465, 471 and 420 of IPC in Crime No.05 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is now working as Secondary Grade Teacher in Education Department had obtained admission on the strength of fake certificate.

3. The learned counsel however produced a reply received through RTI and justified that the said certificate produced was not fake or forged. This is a fact which has to be examined during the course of trial.

4. It is also seen that the departmental enquiry is being conducted against the petitioner and the petitioner had already been suspended from service.

5. Taking that factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the Judicial Magistrate Court II, Namakkal, 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., three weeks and thereafter as and when required.

[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



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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.

7. This anticipatory bail is granted giving liberty to the respondent and also the employer of the petitioner to proceed in the departmental enquiry and to pass appropriate orders if the charges in the departmental enquiry are proved. The respondent is at liberty to proceed further with the criminal case registered against the petitioner herein.

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