



Crl. O.P. No.26315 of 2024

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P.DHANABAL.J.,

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(2) and 336(3) of the BNS Act in Crime. No.814 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as an office assistant in Judicial Magistrate—I, Tindivanam, Villupuram District. The petitioner had approached the defacto complainant for a medical certificate and a fitness certificate and the defacto complainant also issued the same. The petitioner made overwriting in the medical certificate and produced the same before her office. Hence the complaint.

3. Learned counsel appearing for the petitioner/sole accused submitted that the petitioner is an innocent person; she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submitted that the petitioner is a law-abiding citizen; and that she is ready to abide by any conditions that may be imposed by this Court and therefore, he prayed to grant



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anticipatory bail to the petitioner.

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4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner was working as an office assistant in Judicial Magistrate – I, Tindivanam, Villupuram District; that the petitioner had approached the defacto complainant for a medical certificate and a fitness certificate and the defacto complainant also issued the same; and that the petitioner made overwriting in the medical certificate and produced the same before her office. He further submitted that there are no previous cases pending against the petitioner. However, he opposed the grant of anticipatory bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of allegations levelled against the petitioner, that there are no previous cases pending against the petitioner, that already this Court also dismissed her earlier anticipatory bail petition in spite of that, the respondent police have not secured the accused and the alleged offences are borne out of the records, thereby no scope of tampering the evidence and also considering



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all other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 (15) days from the date on which the order copy was made ready, before the learned *Judicial Magistrate No.II, Tindivanam*, 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 learned Magistrate concerned, and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 6.30 p.m., for a period of thirty days and thereafter, as and when required for the interrogation;

[b] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the prior permission of the Court;

[d] the petitioner shall not abscond either during investigation or trial.



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[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 269 of the BNS.

28.10.2024

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To

- 1.The Judicial Magistrate No.II,
Tindivanam.
2. The Inspector of Police,
Mailam Police Station,
3. The Public Prosecutor,
High Court, Madras.

P.DHANABAL,J

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