



CRL OP(MD). No.7206 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/05/2024

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.7206 of 2024

Banu Rekha,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
Crime No.151 of 2022.

... Respondent/Complainant

For Petitioner : Mr.K.Mahendran,Advocate.

For Respondent : Mr.P.Kottaichamy,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No.151 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent



CRL OP(MD). No.7206 of 2024

police for the offences punishable under Sections 120(b), 467, 468, 419 and 420 of IPC, in Crime No.151 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 and A2 have obtained an approval for the appointment of the petitioner, as Physical Education Teacher in their school by producing forged certificates before the educational authority. Based on the complaint given by one Muthiah, who is the District Educational Officer, Srivilliputhur, the respondent police registered the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He would further submit that the occurrence is of the year 2014 and after a lapse of 8 years the present FIR has been filed and further, A1 and A2 were already released on anticipatory bail by this Court in Crl.O.P.(MD)No.16380 of 2022 on 12.09.2022.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first and second accused have obtained an approval for the appointment of the petitioner as Physical Education Teacher in their school by producing forged certificates before the educational authority. He would further submit that the investigation has been completed and charge sheet is yet to be filed. Hence, he objected to grant anticipatory bail to the petitioner.



CRL OP(MD). No.7206 of 2024

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5. Considering the facts and circumstances of the case and also the fact that A1 and A2 were already released on anticipatory bail by this Court and taking note of the fact that the investigation has been completed, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with the 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



CRL OP(MD). No.7206 of 2024

Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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 229-A IPC

sd/-
16/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.



CRL OP(MD). No.7206 of 2024

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-5524[I] dated 16/05/2024)

ORDER
IN
CRL OP(MD) No.7206 of 2024
Date :16/05/2024

PKP/VR/SAR /22.05.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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