



CRL OP(MD) No.22289 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22289 of 2023

VIJAY BANU

... PETITIONER

Vs

THE INSPECTOR OF POLICE
GANDAMANUR POLICE STATION,
THENI DISTRICT.
CRIME NO.191 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.M.U.MOHAMMED ASLAM, Advocate
for M/S.AJMAL ASSOCIATES

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.191 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 417, 465, 468 and 471 IPC in Crime No.191 of 2023, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner was appointed as Secondary Grade Teacher in Rajendra Nagar Panchayat Union Primary School in the year 1999 and she has been working in the said School. On verification of the Certificates furnished by the petitioner at the time of joining the School, it was found that the petitioner by producing fake Higher Secondary School Education Certificate has joined in the School. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she has been falsely implicated in this case. He would further submit that the petitioner was appointed in the said School in the year 1999, after verifying the Certificates furnished by her. While so, after a lapse of 23 years, the allegation made against the petitioner that by producing fake certificate, she has joined in the School, is not sustainable one. Moreover, the Authority ought to have verified the Certificate at the relevant point of time itself. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that this is the second anticipatory bail application and the earlier



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application filed by the petitioner in Crl.O.P(MD).No.20850 of 2023 was dismissed by this Court on 21.11.2023, considering the gravity of offence committed by the petitioner. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Admittedly, the petitioner was appointed as Secondary Grade Teacher in the said School in the year 1999, after verifying the Certificates furnished by the petitioner. After a lapse of 23 years, the complaint made by the defacto complainant that the petitioner has joined in the School by producing fake Certificate is not sustainable one. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and she 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, Andipatti**, 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 and on further condition that:



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(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;



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(h) it is made clear that this order will not stand on the way of the Educational Authority to initiate disciplinary proceedings against the petitioner in the manner known to law.

sd/-
04/01/2024

**(*)MODIFIED AS PER THE ORDER OF THIS
HON'BLE COURT in CRL MP(MD)No.634 of 2024 IN
CRL OP(MD)No.22289 of 2023 DATED 22/01/2024.**

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 04/01/2024 ALREADY
DESPATCHED**

1 THE JUDICIAL MAGISTRATE,
THENI.

2 THE JUDICIAL MAGISTRATE,
ANDIPATTI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

4 THE INSPECTOR OF POLICE
GANDAMANUR POLICE STATION,
THENI DISTRICT.

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



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+1 cc to M/S.AJMAL ASSOCIATES, SR.No.907 (F) Dt.23/01/2024

**ORDER
IN**

CRL OP(MD) No.22289 of 2023

Date :04/01/2024

SA/VR/SAR. /10.01.2024/6P/6C

SSB

SS/VR/SAR- /01/02/2024/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.