



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Second day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22454 of 2015

P. SHANTHI ... PETITIONER / 7th ACCUSED

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
B4- KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 375 OF 2015) ... RESPONDENT/COMPLAINANT

2 P. ALAGU ... 2nd RESPONDENT / DEFACTO COMPLAINANT

For Petitioner : M/S.K.MAHENDRAN Advocate

For Respondent : Mr.K.Anbarasan, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

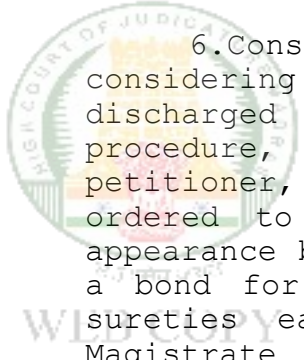
The petitioner, who is arrayed as accused No.7, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC, in Crime No.375 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the accused Nos.1 & 3 are brothers. The property of the mother was settled on them and the property originally belonged to maternal grand father and father are in joint possession along with properties purchased by them in their joint name. The joint patta in S.No.261/9 was issued. While so, the accused NO.1 settled the property in survey No.261/9 in favour of his wife and son. The accused No.7/petitioner without field verification, registered the settlement deed and returned the document. Therefore, the defacto complainant given a complaint and the case has been registered for the offences under Section 420 of IPC, in Crime No.375 of 2015.

3.The case of the petitioner is that he is an innocent. He did not commit any offence. He discharged his official duty. As far as settlement deed is concerned the maximum stamp duty is Rs.25,000/- whatever may be value of the property settled. In the circumstances, there is no necessity for field verification. The petitioner followed the procedure prescribed for registration of documents.

4.The learned Government Advocate (Crl.side) submitted that the investigation is pending.

5. From the materials, it is seen that the petitioner as a Sub Registrar followed the procedure and registered the settlement deed. In the circumstances, custodial interrogation of the petitioner is not required.



6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is the Sub Registrar and he discharged his official duty to register the document as per the procedure, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Melur and on executing 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 condition that the petitioner shall appear before the respondent police as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
02/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
B4- KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.MAHENDRAN Advocate SR.No.69020

sm:MP-PM:SAR Ii:08.12.2015:2P/6C

ORDER
IN
CRL OP(MD) No.22454 of 2015
Date :02/12/2015