



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

Tuesday, the Twenty Eighth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16167 of 2017

GOPALA KRISHNAN

... PETITIONER / ACCUSED NO.11

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURAI CITY,
CR.NO.79/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.SIVABALAN Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

For Intervenor : MR.C.JEGANATHAN Advocate

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

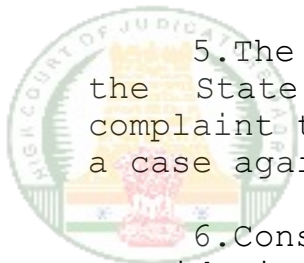
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.11, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 468, 471, and 120(b) of I.P.C., in Crime No.79 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant filed a complaint before the learned Judicial Magistrate under Section 156(3) Cr.P.C., and the said complaint was forwarded to the respondent police for further investigation. Accordingly, the law enforcing agency registered a case against the petitioner alleging that the petitioner registered a document which was presented by A1.

3.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. He would further submit that in fact, the petitioner performed his official duty as per the Registration and Stamp Act. He further submitted that there is no restrained order against the petitioner for registering the document in favour of A1. The Registering Authority is bound to act as per the Statutory Rules therein.

4.The learned counsel for the intervenor submitted that there was no restrained order passed against the petitioner for registering the document in favour of A1.



5.The learned Government Advocate (Criminal side) appearing for the State submitted that the learned Magistrate forward the complaint to the respondent police. The respondent police registered a case against the petitioner and other accused.

6.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), I am 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioner shall execute an own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

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

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

(iv) the petitioner shall not commit any offence while on bail;

(v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

28/11/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MOHANKUMAR Advocate SR.No.35255

ORDER IN

CRL OP(MD) No.16167 of 2017

Date :28/11/2017