



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.8508 of 2020

A.S.P.Seeni Mohideen,

... Petitioner/Accused No.9

Vs

State Rep. by
The Inspector of Police,
Malli Police Station,
Virudhunagar District.
(Crime No.60 of 2019)

... Respondent/Complainant

For Petitioner : Mr.G.R.Satish,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

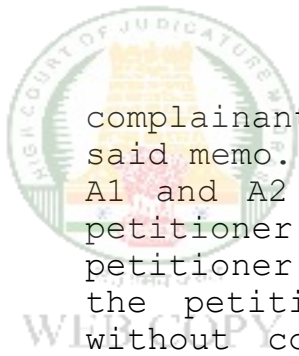
For Anticipatory Bail in Crime No.60 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A9, apprehending arrest at the hands of the respondent police for the offence punishable under sections 420, 466, 467, 468, 120(b) and 109 of IPC, in Crime No.60 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and A1 and A2 are sisters. There is a partition dispute between the sisters for which, the defacto complainant earlier filed a suit in O.S.No.27 of 2014 on the file of the learned District Judge, Srivilliputhur for the relief of partition. In the said suit, compromise was arrived at and a memo was also filed before the Court

<https://hcservices.courts.gov.in/CaseServices/> In the meanwhile, the mother of the defacto



complainant namely Ramanujammal died and hence, the Court closed the said memo. Even though the compromise was not recorded by the Court, A1 and A2 have registered some documents with the support of the petitioner herein who is working as Sub Registrar. Insofar as the petitioner herein is concerned, the specific overtact is that though the petitioner received objection from the defacto complianant, without considering such objection, he registered the documents executed by A1 and A2. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any such offence alleged by the respondent police. He further submitted that this Court already granted anticipatory bail to A1 and A2 in Crl.O.P.(MD).No.6855 of 2019, dated 20.06.2019. Hence, he seek anticipatory bail.

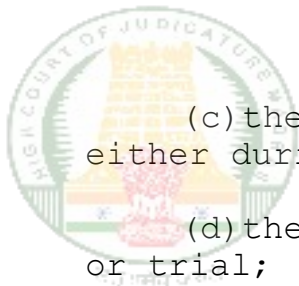
5.The learned Government Advocate (Crl. Side), on instructions, submitted that already A1 and A2 were granted anticipatory bail by this Court and this petitioner, who is the Sub-Registrar, registered the document, without considering the objection received from the defacto complianant.

6.Considering the fact and circumstances of the case and also considering the fact that the main accused A1 and A2 already granted anticipatory bail, this petitioner is the Sub Registrar, who registered the documents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each 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:

(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 Aadhar 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 evidence or witness either during investigation or trial;

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

WEB COPY (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]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/08/2020

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

vsd

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Judicial Magistrate No.II,
Srivilliputhur.
- 2.Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
- 3.The Inspector of Police,
Malli Police Station, Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.R.SATHISH, Advocate (SR-6031[I] dated 21/08/2020)

ORDER IN
CRL OP(MD) No.8508 of 2020

TR/RSK/SAR-III(25.08.2020) 3P 6C

<https://hcservices.ecourts.gov.in/hcservices/>