



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Fourth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13503 of 2021

N.BALACHANDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM DISTRICT.
(CRIME NO.2/2021)

For Petitioner : M/S E.C.RAMESH Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

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 120(B), 468, 471, 420 and 506(i) IPC in Cr.No.2 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the original land holder of agricultural land admeasuring to an extent of 2.29 acres of Semmandapatti Villag,e Kadaiyampatti Taluk, Salem District. Suddenly ten unknown persons trespass into her land and conveyed that they got Sale Deed on her agricultural land and insisted her to evict the land and threatened to kill her with dire consequences. When the defacto complainant verified the status about her land in online, she came to know that illegally a Sale Deed was executed in favour of one Govindaraj and nine others without her knowledge. Hence the defacto complainant made a complaint against the Document Writer and Sub Registrar, Omalur for creating a fabricated document.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further the learned counsel submitted that the petitioner after verifying the entire document produced before him, registered the property in the name of Govindaraj and he did not know the malafide intention behind the scene and has no intention to support any of the accused persons and prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are no previous cases pending against the petitioner.

5. Considering the facts and circumstances of the case, this Court is of the view that it appears that the petitioner working as Sub Registrar has performed his duty as per the Indian Stamp Act. Hence I am inclined to grant anticipatory bail to the petitioner, however, this order will not bind any of the other accused persons.

6. 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 VI, Salem, 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:

(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 daily at 10.30 a.m. until further orders;

(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.

WEB COPY

-sd/-
04/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S E.C.RAMESH Advocate on payment of necessary charges SR.NO.8144

CRL OP.13503/2021

Date :04/08/2021

INBA 13/08/2021