



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6347 of 2022

1. Dhanalakshmi
2. Thirupathi

... Petitioners/Accused
Nos.4 & 5

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.9/2022).

... Respondent/Complainant

For Petitioners : M/s.Ramasamy.T., Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 09 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.4 and 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 465, 468 and 471 of IPC, in Crime No.9 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused had jointly colluded and created a false document in the name of the de-facto complainant with respect of Patta No.2141. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.



4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners are being the Sub Registrar and Incharge Sub Registrar of Sub Registrar Office, Vadamadurai and the allegation against the petitioners are that the petitioners have registered the subsequent sale deed, which was effected on the basis of the original power of attorney that was executed by the de-facto complainant in favour of A1, without verifying the Original records.

5.Reading of the FIR shows that after the registration of the power of attorney in favour of A1, difference of opinion arose between them and after verifying the encumbrance certificate, noting that the property in respect of which, the power of attorney was granted by him to the hands of the first accused. After several transactions, the petitioners without verifying the previous documents subsequent registration has been undertaken.

6.It appears that the petitioners discharged their official duty and no criminality can be attached except in case of criminal conspiracy or for any other extra news consideration. Considering the limited role of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 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/-
06/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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,
DINDIGUL.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6347 of 2022

Date :06/04/2022

SP/PN/SAR III/18/04/2022/3P/5C