



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

Date : 08/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18734 of 2022

R.Radhakrishnan

... Petitioner/Accused No.6

Vs

The State represented by
The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
Crime No. 227 of 2022

... Respondent/Complainant

For Petitioner : M/s.Shankar Ganesh R,
Advocate.

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

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

PRAYER :-

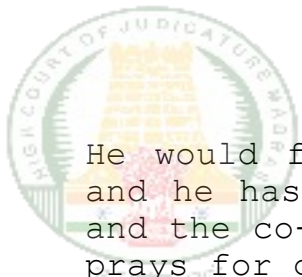
For Anticipatory Bail in Crime No. 227 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(b), 255, 465, 468, 471, 472, 473 & 467 of IPC, in Crime No.227 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant proposed to purchase the property belongs to the first accused and paid advance of a sum of Rs.10,500/- and subsequently, he learnt that the first accused obtained gift settlement after the agreement. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a Sub Registrar. At the time registering the settlement deed, he verified the property value and on receiving the proper registration fee and identify of the parties and the documents and then the settlement deed was registered by following the due procedure. The defacto complainant has no *locus standi* to lodge the present complaint.



He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the co-accused was already granted anticipatory bail. Hence, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Additional Public Prosecutor appearing for the respondent police would submit that totally 6 accused are involved in this case. The petitioner herein was arrayed as A6. Since it is a civil in nature, that complaints were closed as 'mistake of fact'. Thereafter, the defacto complainant filed a private complaint before the lower Court under Section 156(3) CrI.P.C. As per the direction of the learned Magistrate, the present case has been registered against the accused. He would further submit that the investigation is not yet completed. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the limited role that has been played by the petitioner and also the facts that the offence is civil in nature and the co-accused was already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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;

(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 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;

sd/-

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ARUPPUKKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SHANKAR GANESH R Advocate SR.No.12701

ORDER

IN

CRL OP(MD) No.18734 of 2022

Date :08/11/2022

SS/BUC/SAR I/17.11.2022/ 3P/ 6C