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

Date : 07/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21018 of 2022

1. Mahalingam
2. Nagappan

... Petitioners/Rank Not Known

Vs

State rep.by
The Inspector of Police,
Thirukkattupalli Police Station,
Thanjavur District.
(Crime No.74/2021).

... Respondent/Complainant

For Petitioners : M/s.Rajaraman R, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.74/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420 and 465 IPC in Crime No.74 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant owned some property in Natham S.No.73/3A to an extent of 0.05.0 ares and in S.No.73/9A to an extent of 12.50 ares at Kudamuritti Line Karai, Thirukkattupalli Town Panchayat, Thanjavur District, in which A1 to A4 attempted to construct the building and also made a life



threat to the defacto complainant. On enquiry, he came to know that A1 executed a settlement deed vide Doc.No.741 of 2010, dated 14.06.2020 in favour of A2 with the help of these petitioners, who were serving as Sub Registrars in Thirukaattupalli, Sub Registrar Office, Hence, the complaint.

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3.The learned Counsel for the Petitioners would submit that the petitioners are Sub Registrars in Thirukattupalli Town Panchayat and they have registered the documents as presented by the other accused and they are not beneficiaries in the said transaction. He would further submit that the earlier petition filed by the petitioners was dismissed by this Court on 26.10.2022 in CrI.O.P(MD).No. 18663 of 2022 on the ground that the investigation of the case was pending and that the custodial interrogation of the petitioners is necessary. He would further submit that now the investigation of the case was completed and the final report is also filed before the court concerned and the same is yet to be taken on file and seeks anticipatory bail.

4.The learned Government Advocate (CrI.Side) would submit that the petitioners are Sub Registrars during the year 2010 and and they have registered the fabricated documents colluded with accused persons. He would further submit that the investigation of the case was completed and the charge is yet to be taken on file by the concerned Magistrate.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the investigation has been completed and the final report has been filed before the Court concerned, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvaiyaru on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the Judicial Magistrate, Thiruvaiyaru, daily at 10.30 am on all working days for a period two weeks and thereafter, on the dates fixed by trial Judge



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

07/12/2022

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/12/2022

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

TRP

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUKKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAJARAMAN R Advocate SR.No.14526

ORDER

IN

CRL OP(MD) No.21018 of 2022

Date :07/12/2022