



CRL OP(MD). No.13583 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13583 of 2024

Gangrace @ Gangresdevaraj,

... Petitioner/ Accused No.10

Vs

The Inspector of Police,
District Crime Branch,
Sivagangai District,
Crime No.16/2024.

... Respondent/Complainant

R.M.Somasundaram

...Petitioner/Defacto Complainant

For Petitioner : Mr.Senthil Murugan C.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.R.M.Arun Swaminathan, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.16/2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 467, 468, 471, 420 and 120(b) I.P.C, in Cr.No. 16 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that when the property belongs to the defacto complainant, the accused are said to have impersonated the defacto complainant executed a power of attorney and executed further document and thereby, cheated the defacto complainant. Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. The allegation is serious in nature. When the property is belonging to the defacto complainant, the accused are said to have impersonated the defacto complainant, executed a power of attorney and executed further document. The petitioner in the present case is the Sub Registrar. The complicity of the Sub Registrar is alleged by contending that the Sub Registrar ought to have verified the missing certificate. The Sub Registrar ought not to have allowed the cash transaction beyond



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the permissible limit. The Sub Registrar had even knowledge in as much as the objections were sought to be lodged by the defacto complainant.

5. The learned counsel for the petitioner would submit that though the Non Traceable Certificate is granted by the Inspector of Police himself, as far as cash transaction is concerned, there may be a lapse in this case, the Sub Registrar did not have personal knowledge about the impersonation which is being done and he cannot be held responsible for the impersonation done, especially, when the prime accused are impersonating and the witnesses are identifying the accused, the Sub Registrar has only registered the document.

6. Though the offence is serious in nature, considering the role played by the Sub Registrar, that there is a procedural lapse with reference to cash transaction and considering the nature of allegation, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

7. Accordingly, this Petition is allowed and 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



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No.II, Sivagangai, 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 daily at 10.30 am for a period of four weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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;



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(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/09/2024

/ TRUE COPY /

10/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT,



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4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-10957[I] dated 06/09/2024)

ORDER
IN
CRL OP(MD) No.13583 of 2024
Date :04/09/2024

RK (10/09/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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