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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.145 of 2025

R Ravi,

... Petitioner/ Accused No.7

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police, Dcb,
Sivagangai District. (Crime No. 21 of
2023).

... Respondent No.1

2. Madhukannan,
S/o. Jeyakannan Late, D No 300, Krr
Nagar Havung Board, Theni.

...RespondentsNo.2/De-facto
Complainants

For Petitioner : Mr.Aayiram k.Selvakumar,
Advocate.

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 21 of 2023 on the file of the respondent Police.

<https://www.mhc.tn.gov.in/judis>



ORDER: The Court made the following order :-

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The petitioner / A7, who apprehends arrest at the hands of the respondent Police for offences under Sections 420, 465, 467, 468, 471 and 109 of IPC in Crime No.21 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the properties belonging to the defacto complainant were dealt with by Accused Nos.1 to 5 by creating forged and fabricated documents and by impersonation with the help of Accused No.6, who is a document writer. The petitioner has been arrayed as Accused No.7 and the petitioner is the Sub Registrar, who is said to have registered the document on 17.02.2005 in Document No.319 of 2005. The main allegation against the petitioner is that the petitioner did not follow the procedure of properly identifying the parties as mandated under Section 32-A of the Registration Act, 1908.

3. The learned counsel appearing for the petitioner submitted that Section 32-A of the Registration Act, 1908, came into force in Tamil Nadu only with effect from 01.07.2006. To substantiate the same, the learned counsel relied upon the circular dated 28.06.2006. It was further submitted that the petitioner should not have been made as an accused in this case.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent Police.



4. Taking into consideration the facts and circumstances of the case and considering the specific stand that has been taken by the petitioner and considering the fact that the entire case is borne out by records and the petitioner has performed his official duty by registering the document, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.II, Sivagangai 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[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 269 of BNS 2023.

sd/-
27/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
DCB,
SIVAGANGAI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.145 of 2025
Date :27/01/2025

NBF / SAR- (13/02/2025) 5P/5C

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