



CRL OP(MD). No.7212 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7212 of 2025

Eswaran

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
DCB, Tenkasi District.
(In Crime No.10 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.S.Srikanth,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2022 on the file of the Respondent-Police.



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ORDER: The Court made the following order :-

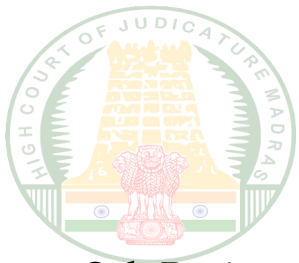
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This Criminal Original Petition has been filed by the petitioner on 17.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused (rank not known) apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 420, 423, 465, 467, 468 and 471 of IPC in Crime No.10 of 2022 on the file of the respondent-Police.

3. The case of the prosecution is that originally the land in S.No.215/3 was owned by A1, who gave power to A2 and both executed sale deed in favour of A3. The defacto complainant purchased 10 cents of land from Accused No.3. Subsequently, Accused Nos.1 and 2 executed a sale deed in favour of Accused No.4 without any right in the property. The allegation against the petitioner is that the petitioner, who was working as the Sub-Registrar of Sankarankovil Sub Registrar Office, without analyzing the previous documents and encumbrances, registered the sale deed executed by Accused Nos.1 and 2 in favour of Accused No.4.

4. Mr.S.Srikanth, the learned counsel appearing for the petitioner, submits that the petitioner is a Sub-Registrar and he is an innocent person. He has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. Further, he submits that the petitioner in his capacity as



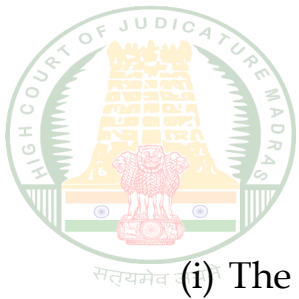
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Sub-Registrar was performing his official duties in good faith. He, however, submits that the petitioner is ready to abide any conditions that may be imposed by this Court. He further submits that if the petitioner surrenders before the trial Court, he may be remanded. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the investigation has been completed in this case and charge sheet has been filed before the learned Judicial Magistrate I, Tirunelveli and the same was numbered as C.C.No.2057 of 2023. He further submits that the case is posted for appearance of parties before the trial Court. Hence, he vehemently opposes to grant pre-arrest bail to the petitioner.

6. Heard on both sides. This Court has perused the records.

7. Since the respondent-Police filed a charge sheet before the Concerned Jurisdictional Magistrate Court, custodial interrogation of the petitioner is not necessary for the investigating agency. Moreover, the petitioner is a Sub-Registrar. According to the petitioner, he has performed his official duty, and he has not committed any offence. The petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.



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(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate I, Tiruneveli, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties, each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate I, Tiruneveli;

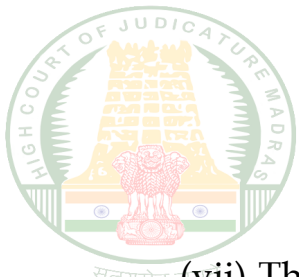
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate I, Tiruneveli, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the learned Judicial Magistrate I, Tirunelveli, weekly once on Monday at 10.30 a.m., until further orders;

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave India without the previous permission of the Court;



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(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate I, Tiruneveli;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Tiruneveli or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

Sd/-

29/04/2025

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/05/2025

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

TSG



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TO
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1.The learned Judicial Magistrate I, Tiruneveli.

2.The Chief Judicial Magistrate, Tirunelveli.

3.The Inspector of Police,
DCB, Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SRIKANTH, Advocate (SR-5096[I] dated 30/04/2025)

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Date : 29/04/2025

KVL - (27.05.2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.