



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Eighteenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

Crl.O.P.(MD)Nos.18183, 19072 and 18950 of 2015

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MANOKARAN

... PETITIONER / ACCUSED No.9
IN CRL.O.P.No.18183 OF 2015

RAJALAKSHMI

... PETITIONER / ACCUSED No.6
IN CRL.O.P.No.19072 OF 2015

GOMATHIMUTHURANI DURAICHI

... PETITIONER / ACCUSED No.1
IN CRL.O.P.No.18950 OF 2015

Vs

THE INSEPECTOR OF POLICE
PULIYANGUDI POLICE STATION
THIRUNELVELI DISTRICT,
CR.NO.370/2015

... RESPONDENT / COMPLAINANT
IN ALL PETITIONS

For Petitioner : M/S.K.PRABHU Advocate IN CRL.O.P.No.18183 OF 2015
M/S.D.RAMESHKUMAR, Advocate IN CRL.O.P.No.19072 OF 2015
M/S.A.ROBINSON, Advocate, IN CRL.O.P.No.18950 OF 2015

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl. Side)
IN ALL PETITIONS

For Intervenor : Mr.T.S.R.VENKATARAMANA, Advocate.

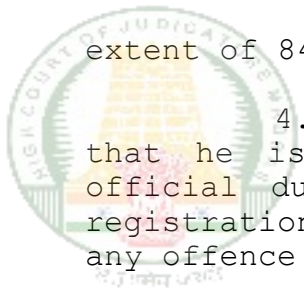
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, in Crime No.370 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120 (b), 419, 420, 465, 467, 468, 471, 474 IPC and hence, seek anticipatory bail.

2. The case of the prosecution is that defacto complainant is a widow and the husband of the defacto complainant was working in the Government Hospital, Coimbatore and died on 25.06.2012. The defacto complainant and her minor children are residing in Coimbatore and the Tahsildar has issued Legal heirship to that effect. While so, the first and second accused created forged Identity proof as though the mother-in-law of the first accused/A6/Petitioner in Crl.O.P.No.19072 of 2015 is the defacto complainant Kalaiselvi and registered a partition deed based on the said document and they have borrowed a sum of Rs.40 lakhs by mortgaging the title deeds of the property from Axis Bank, Ilanji Branch.

3. The further case of the prosecution is that the petitioner in Crl.O.P.No.18183 of 2015 is working as the Sub Registrar and he has not properly verified the papers and he has registered the documents for illegal gratification. The Village Administrative Officer without having any authority issued Legal Heirship certificate. By this fraudulent act, the accused persons cheated the defacto complainant's property to the



extent of 84 acres to the value of Rs.4 Crores.

4. The case of the petitioner in Crl.O.P.(MD)No.18183 of 2015 is that he is working as the Sub Registrar and he has discharged his official duties and only after verifying the documents presented for registration only, he registered the document and he has not committed any offence as alleged by the prosecution and he is innocent.

5. The case of the petitioners in Cr.O.P.(MD)Nos.18950 and 19072 of 2015 is that they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. The defacto complainant has only half share in the property and she has not given any complaint before the respondent police and she has given a complaint before the District Registrar and he, in turn, forwarded the same to the respondent police.

6. The learned counsel for the intervenor submitted that the accused colluded together and created a false identity proof as though the sixth accused is the defacto complainant and registered a partition deed and by showing that partition deed and by mortgaging that property, they borrowed a sum of Rs.40 lakhs from Axis Bank and the accused persons cheated the defacto complainant and the documents filed in the typed set of papers would clearly show the offence committed by the petitioners.

7. The learned Government Advocate(Crl.side) submitted that the petitioners have created Identity proof by impersonating the defacto complainant and they mortgaged the property with Axis Bank. The charge levelled against the petitioner in Crl.O.P.(MD)No.18183 of 2015 is that he has registered the document without verifying the documents and he has discharged his official duties and therefore, custodial interrogation of the petitioner in Crl.O.P.(MD)No.18183 of 2015 is not necessary. The charges against other petitioners are that they have created a false identity proof by impersonating the defacto complainant and registered the document and borrowed money by mortgaging the same property and they are the main accused and investigation is pending.

8.Considering the serious allegations levelled against the petitioners in Crl.O.P.(MD)Nos.19072 and 18950 of 2015, the same are dismissed.

9.Considering the facts and circumstances of the case and considering the fact that the petitioner in Crl.O.P.(MD)No.18183 of 2015 is working as the Sub Registrar and custodial interrogation is not necessary, this Court is inclined to grant anticipatory bail to the petitioner in Crl.O.P.(MD)No.18183 of 2015 with certain conditions. Accordingly, the petitioner in Crl.O.P.(MD) No.18183 of 2015 is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif-cum-Judicial Magistrate, Sivagiri and on his executing 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 learned Magistrate concerned and on further condition that the petitioner in Crl.O.P.(MD)No.18183 of 2015 shall appear before the respondent police as and when required for interrogation. The petitioner in Crl.O.P.(MD) No.18183 of 2015 shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.



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10. The petitioner in CrI.O.P.(MD)No.18183 of 2015 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

/ TRUE COPY /

sd/-
18/12/2015

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

TO

1. THE INSEPECTOR OF POLICE
PULIYANGUDI POLICE STATION
THIRUNELVELI DISTRICT.
2. THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
SIVAGIRI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to M/S.K.PRABHU Advocate SR.No.72745
+1 CC to Mr.D.RAMESHKUMAR, Advocate, SR No.72725
+3 CC to M/s.T.S.R.VENKAT RAMANA, Advocate, SR No.75692, 75693 &75691
+1 CC to Mr.A.ROBINSON, Advocate, SR No.75895

ORDER
IN

CrI.O.P.(MD)Nos.18183, 19072 and
18950 of 2015

Date :18/12/2015

CM

SH/AAL-MPA/SAR-II:21.12.2015:3P/10C