



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

Tuesday, the Thirteenth day of January Two Thousand Fifteen

PRESENT

WEB COPY

**THE HON`BLE MR JUSTICE P.N.PRAKASH**

CRL OP(MD) No.23615 of 2014

1 RAJENDRAN  
2 VELU  
3 KADARKARAI  
4 SHANMUGAM  
5 POOLAN  
6 BOOMANI  
7 GURUSAMY

... PETITIONERS / ACCUSED NOS.1 TO 7

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
SANKARANKOVIL POLICE STATION,  
TIRUNELVELI DISTRICT.  
CRIME NO.626 OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.DURAIRAJ, Advocate

For Respondent : M/S.A.P.BALASUBRAMANI, Govt. Advocate (Crl.Side)

For Intervener : MR.M.SARAVANAN, Advocate

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

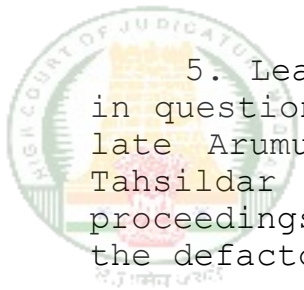
**ORDER :** The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 467, 468, 471, and 420 IPC in Crime No.626 of 2014 , seek anticipatory bail.

2. Heard the learned counsel for the petitioners, learned counsel for the Intervenor and learned Government Advocate (Crl.Side) appearing for the State.

3. It is the case of the prosecution that the 1<sup>st</sup> petitioner is working as Sub-Registrar in Vasudevanallur and that he colluded with other accused and had registered a fraudulent sale deed in respect of a property, which belongs to the defacto complainant.

4. This is second anticipatory bail petition and the first anticipatory bail petition in Crl.O.P.(MD) No.18489 of 2014 was dismissed on 03.12.2014 by a well considered order.



5. Learned counsel for the petitioners submitted that the land in question belongs to Rajan and Boomani, as they inherited it from late Arumugam, who was given Kudiwaram patta by proceedings of Tahsildar on 05.06.1968. He produced a photocopy of the patta proceedings and further submitted that the land does not belong to the defacto complainant.

6. On the contrary, learned counsel for the Intervenor brought to the notice of this Court that the defacto complainant purchased the property as early as on 24.01.1979 and Rajan and Boomani had even filed a suit in O.S.No.224 of 1998 against the defacto complainant in respect of the same property and have filed a written statement, but subsequently, they have allowed the suit to be dismissed. Thus, he contended that the accused know for certain that the land does not belong to them, but still they have created a sale deed by registering the property of the defacto complainant on 04.06.2014 in favour of one Gurusamy (A7).

7. It is seen that the said Gurusamy (A7) is also not a mere innocent purchaser and he is also aware that the property does not belong to his vendors, namely, other accused and it belongs to the defacto complainant. It is also seen that Rajendran (A1) was not a regular Sub-Registrar of Sankarankovil SRO and on 04.06.2014, when the regular Sub-Registrar was on leave, the said Rajendran was posted as Acting Sub-Registrar to Sankarankovil SRO and on that date, he hurriedly registered the Document No.1701 of 2014 in respect of the land in S.No.666/7 belonging to the defacto complainant.

8. Thus, there are enough materials to show that Rajendran (A1) and other petitioners have colluded to cause encumbrance on the property that belongs to the defacto complainant.

9. In such circumstances, there is no merit in this petition and the same is dismissed.

sd/-

13/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE, SANKARANKOVIL POLICE STATION,  
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.M.SARAVANAN, Advocate SR.No.1692.

ORDER IN

CRL OP(MD) No.23615 of 2014

Date :13/01/2015