



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

Friday, the Twentieth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.4023 of 2015

1 GANESAN  
2 NAGANATHAN

... PETITIONERS / ACCUSED's No.2&3

Vs

1 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH (DCP), RAMANATHAPURAM.  
CR. NO.13/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MUTHUKRISHNAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

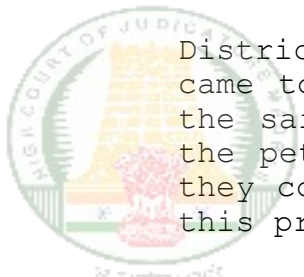
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 206, 207, 261, 409, 418, 424, 434, 462, 477 r/w 120B IPC in Crime No.13 of 2015 on the file of the respondent police, seek anticipatory bail.

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

3. The respondent police have filed a status report in which they have stated as follows:

"1. I humbly submit that the prosecution case is that the Joint Registrar, Ramanathapuram preferred a complaint in connection with some documents destroyed in the Registration office, Surankottai Village, Ramanathapuram District. Further he stated that one Balasubramanian applied copy of documents in Record No.299/1996 on 24.05.2013 and at the time of applying copies and also various times the said Balasubramanian saw one Ganesan, S/o.Kathiresan Servai and one Naganathan, S/o.Karuppiyah Servai were available in the record room and there is some dispute between Balasubramanian and the above said two persons. Hence the said Ganesan and Naganathan colluded with the former Sub Registrar namely Krishnan may have destroyed the said documents. Based on the complaint a case was registered in Cr.No.13/2015 under Sections 206, 207, 261, 409, 418, 424, 434, 462, 477 r/w 120(b) IPC and taken up for investigation.

<https://hcservices.ecourts.gov.in/hcservices/> I humbly submit that after registering the respondent police enquired the defacto complainant and obtained her statement under Section 161(3) Cr.P.C. and also examined the



District Registrar. Further on enquiry the respondent police came to know that the disputed property belongs to the wife of the said Balasubramanian and it is the ancestral property. But the petitioners herein with the intention to grab the property they colluded with the Registrar and destroyed the documents of this property."

4. Learned counsel for the petitioners submitted that this case has been registered pursuant to a complaint given by one Balasubramanian against whom the petitioners have initiated patta proceedings before the Revenue Authorities. According to the petitioners, the property belongs to them and the said Balasubramanian is trying to set up an illegal claim.

5. On a close reading of the FIR, it is seen that one Balasubramanian has been applying for a copy of the document before the Sub-Registrar, Ramanathapuram since 2013 and the then Sub-Registrar by name Krishnan (A1) has been denying the legitimate request of Balasubramanian. Therefore, Balasubramanian had necessarily to go to the higher authorities and lodge a complaint against Krishnan (A1). Only after the retirement of Krishnan, when the new Sub-Registrar came, startling facts came to light.

6. The defacto complainant is one Jalivadiswari, who is presently working as the Joint Sub-Registrar, Ramanathapuram SRO. She has stated in her complaint that registration copies of the documents sought by Balasubramanian were torn and they are found missing. This must have been done only by the then Sub-Registrar, who did not want copies of those documents to go to Balasubramanian.

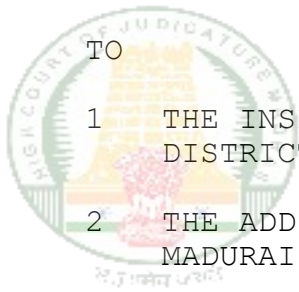
7. According to the petitioners, they have raised dispute in respect of the same property against Balasubramanian before the Revenue Authorities. Police have made Krishnan (A1), the then Sub-Registrar as the first accused in this case. Thus, there are sufficient materials to infer that Krishnan, the then Sub-Registrar had conspired with these petitioners to destroy registration copies of valuable documents, which the Registrar's office should preserve. Hence, custodial interrogation of these petitioners is essential in this case in order to find out, apart from them who all are involved in the commission of such calculated and grave offence.

8. Under such circumstances, this is not a fit case to grant anticipatory bail to these petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-  
20/03/2015

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



TO

- 1 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH (DCP), RAMANATHAPURAM.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1. CC to M/S.S.MUTHUKRISHNAN Advocate SR.No.13773

Sm:23.03.2015:3P/4C:

ORDER  
IN  
CRL OP(MD) No.4023 of 2015  
Date :20/03/2015