



WEB COPY

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

|              |            |
|--------------|------------|
| Reserved on  | 31.08.2020 |
| Delivered on | 04.09.2020 |

PRESENT

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRL OP(MD) . No.5924 of 2020

Vijay Anandh

... Petitioner/4<sup>th</sup> Accused

**Vs**

The State rep. by

1. The Inspector of Police,  
City Crime Branch,  
Madurai City.  
(Crime.No.35 of 2020) .

2. The Inspector General of Registration,  
Santhom High Road,  
Chennai.

(R2 Suo Motou Impleaded as Per Order  
of this Court dated 10.06.2020 in  
CRL.OP(MD)No.5924/2020 by GRSJ) .

... Respondents/Complainants

For Petitioner : Mr.G.Prabhu Rajadurai,  
Advocate.

For Respondents: Mr.K.K.Ramakrishnan,  
Additional Public Prosecutor

For Intervener : Mr.K.Govindarajan  
Advocate

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

**PRAYER :-**

For Anticipatory Bail in Crime.No. 35 of 2020 on the file of  
the Respondent Police

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

The petitioner, who is arrayed as A4, apprehending arrest at  
the hands of the respondent police for the offences punishable under  
Sections 120(B), 465, 466, 467, 468, 471, 419 and 420 of IPC, in  
Crime No.35 of 2020 on the file of the respondent Police, seeks

<https://hccaseonline.com/cases/>



2.This is a second round litigation. The case of the prosecution is that the petitioner was working as Sub-Registrar, at Joint IV Registration Office, Madurai South, Madurai District. An extent of 54 cents of land comprising in Survey No.251/3, at Madakulam Village, Madurai City, belongs to one Alagu Kudumban and, he died leaving behind his four daughters as his legal heirs, namely, Pachammal, Periyalakshmi, Ammachiammal and Chinnalakshmi @ Lakshmi. Out of four, one Ammachiammal and Chinnalakshmi @ Lakshmi alone alive today, however, there are number of legal heirs available to the deceased daughters of the said Alagu Kudumban. Earlier, the said Chinnalakshmi @ Lakshmi, has relinquished her share by a registered deed dated 21.03.2013 in favour of Ammachiammal. Thereafter, out of 54 cents, the said Ammachiammal, being one of the co-sharers of the said property, sold the entire extent to A1 to A3, viz., 25 cents of land to A1/Senthilkumar, 19 cents to A2/Palanikumar and 10 cents to A3 Prakash. Thereafter, A1 to A3 proposed to sell the land to the defacto complainant herein by name Mahalingam, and one Kumar, through some mediators and after negotiation, the defacto complainant herein has agreed to buy the above property for the total sale consideration of Rs.3,37,50,000/- (Rupees Three Crores Thirty Seven Lakhs and Fifty Thousand Only) and on 07.01.2019, the defacto complainant has paid a sum of Rs.39,00,000/- to A2 and entered into a sale agreement. Subsequently, A1 to A3 have received a sum of Rs.84,50,000/- and Rs.15,50,000/- from the defacto complainant on 11.01.2019 and 18.01.2019 respectively.

3.The defacto complainant after coming to know about rights of other legal heirs of Alagu kudumban, requested A1 to A3 to get a release deed from the other available legal heirs. Since many of the legal heirs were not willing to execute released deed, A1 to A3 have fabricated documents and created a forged released deed by impersonation and with the help of this petitioner herein, they registered a focus release deed. After knowing the above facts, one of the legal heirs, viz., Packialakshmi, filed a criminal case before the respondent police, alleging that A1 to A3 with the help of this petitioner herein have created a focus release deed by impersonation. Based on the said complaint, First Information Report has been registered in Crime No.21 of 2019 for the offences punishable under Sections 120(B) 406, 419, 420, 468, 471 and 506(i) of IPC, wherein the petitioner was arrayed as A4.

4.After registering the FIR, the petitioner herein approached this Court seeking anticipatory bail and this Court by order dated 22.10.2019 in Crl.O.P.(MD).No.13150 of 2019, granted anticipatory bail on the ground that, there is an endorsement in the register maintained by the registration authority that the document in question is a fraudulent transaction which will secure the interest of the defacto complainant, as the case against the petitioner rests on circumstantial evidence, therefore, custodial interrogation of the



petitioner is not required. In the meantime, A1 and A2 were granted regular bail by the Principal Sessions Judge, Madurai and bail was also granted to A-3 by this Court. Thereafter, the respondent moved an application before this Court seeking cancellation of bail granted to A1 to A3, in Crl.O.P.(MD).Nos.16995 and 16996 of 2020. In the above petition, the present defacto complainant has also filed a petition to intervene the matter. After hearing the parties, this Court by order dated 20.05.2020, disposed the above petition holding that, the present defacto complainant is a bigger victim and loss suffered by him is independent and it constitutes a separate cause of action, thereby, directed the respondent to record fresh statement from the present defacto complainant and register a FIR. Based on that direction, after obtaining statement from the defacto complainant, the present FIR has been registered in Crime No.35 of 2020 for the offence punishable under Sections 120(B), 465, 466, 467, 468, 471, 419 and 420 of IPC, wherein, the petitioner herein once again arrayed as A4.

5.The allegation in the present complaint is that, when the earlier complaint is pending investigation, on 29.01.2019, at the instigation of A1 to A3, this petitioner has cancelled the release deed said to have executed by the alleged focus legal heirs. That apart, right from the beginning, this petitioner colluded with A1 to A3 involved in the crime, by registering the focus release deed and subsequently cancelled that deed. Hence, the petitioner has been arrayed as an accused in the present crime.

6.Mr.G.Prabhurajadurai, learned counsel appearing for the petitioner submitted that the petitioner is only discharging his official duty in registering the release deed, and the subsequent cancellation deed was not registered by him. He is not expected to verify the title of the property and whether the persons executed release deed are genuine legal heirs. After verifying the Adhar Card and other Identity Cards, the petitioner registered the document and he cannot held responsible for the offence committed by the other accused and the petitioner has been falsely implicated in this case. He would further submit that when a similar complaint has been filed by one Packialakshmi, this Court has granted anticipatory bail to the petitioner, now with similar set of allegations and the present complaint has been filed by the another person, the allegations made against the petitioner is one and the same. The petitioner being a public servant, he is only discharged his public duty and he cannot be made liable for the offences committed by the other accused.

7.Mr.K.K.Ramakrishnan, learned Additional Public prosecutor appearing for the respondent police submitted that the investigation, reveals that the petitioner has played a major role in the crime. Earlier he has registered release deed with full knowledge that it is a forged document, when the earlier FIR, the petitioner is also shown as accused, is pending



investigation, and fully aware of the fact that there is a litigation pending in respect of the release deed, he deliberately cancelled the deed executed by the very same focus persons, it clearly shows the involvement of the petitioner in the crime.

8.The learned Additional Public Prosecutor further submitted that the confession of the other accused viz., A1 also clearly reveals that the petitioner has received a sum of Rs.9,00,000/- from them for registering the release deed. He further submitted that the confession of other accused also shows that only at the instigation of this petitioner, they have committed the offence and A1 to A3 are well known to this petitioner. That apart earlier, when the criminal original petitions are pending before this Court, the petitioner has voluntarily sent a letter to the respondent police requested them to take the hard disk of CCTV from his office, so far he has not produced the same, despite several requests made by the respondent police. In those circumstances the respondent police is not able to identify the remaining accused persons, who have executed the release deed. The CCTV footage only reveals identify of the persons, involved in the offence and the petitioner deliberately withhold the same. In the above circumstances, custodial interrogation of the petitioner is required. If the petitioner is granted anticipatory bail, he will tamper with the witnesses and other documents. Hence, he strongly opposed this bail application.

9.Mr.K.Govindarajan, learned counsel appearing for the intervener/defacto complainant, submitted that, after being fully aware of the fact that the investigation is pending regarding the execution of release deed, the petitioner deliberately cancelled the release deed and also failed to inform the same before this Court, which clearly shows that the petitioner is involved in this crime.

10.I have carefully considered the rival submissions and perused the records.

11.The petitioner is a Sub Registrar. The main allegation against the petitioner is that, earlier A1 to A3 created a focus release deed by impersonation and with the connivance of the petitioner registered the same. In the earlier complaint filed by one Packialakshmi, there is a specific allegation against the petitioner that he has played a active role in registering the focus release deed and the petitioner has been arrayed as A4. Thereafter, based on the order of this Court in Crl.O.P.(MD).Nos.16995 and 16996 of 2020, dated 20.05.2020, the present FIR has been registered.

12.In the meantime, when the investigation in the earlier complaint regarding registration of a focus release deed is pending, A1 to A3 said to have approached the petitioner for cancellation of the said release deed, and the petitioner being an accused in the investigation, and fully aware of the pendency of the investigation,

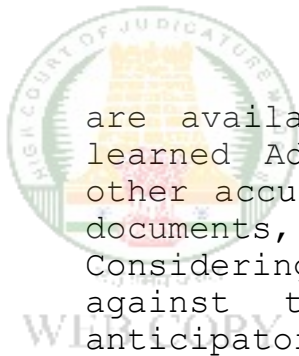


registered cancellation deed on 01.08.2019. After cancellation of release deed, the petitioner approached this Court seeking anticipatory bail in the earlier complaint. At that time, the petitioner did not disclose the above said fact, there is no proper explanation from the petitioner as to why this petitioner accepted the cancellation deed and registered the same and, when the investigation is pending, which creates a strong suspicious on the petitioner. Even though it is submitted that the petitioner did not register the cancellation deed, on that day he was on leave and some other Sub Registrar has registered the same. But, the materials available on record, shows that on the next day ie., 02.08.2019, the petitioner only completed the other formalities. It is pertinent to mention here, earlier this Court granted anticipatory bail to the petitioner mainly on the ground that regarding the disputed release deed there is an endorsement in the register maintained by the registration authorities that the document is a fraudulent document. when such an endorsement is made in the register, the petitioner deliberately allowed the other accused to cancel the deed.

13.The learned counsel appearing for the petitioner submitted that the petitioner is not aware of the pendency of the earlier FIR, at the time of registering release deed. However, on perusal of the records, it is seen that the petitioner already approached the Sessions Court, Madurai District seeking anticipatory bail and the same was dismissed as withdrawn on 18.07.2019. Thereafter, the present cancellation deed has been registered on 01.08.2019 and he cannot claim that he is not aware of the pendency of the earlier FIR.

14.The registration of release deed and subsequent cancellation deed are recorded in the CCTV available in the Office of the Sub Registrar. Earlier the petitioner himself voluntarily come forward to hand over the hard disk to the respondent investigating agency. But, despite several requests made by the investigating agency, so far he has not produced the hard disk. The learned counsel appearing for the petitioner submitted that at the time of registration, photographs of the executants have been taken which were also imprinted in the document. This argument of the petitioner cannot be accepted, for the reason that, the CCTV footage alone will reveal, who are all the persons present at the time of registration of the documents, and the petitioner deliberately refusing to produce the same to the investigating agency. That apart, as pointed out by the learned Additional Public Prosecutor, now the co-accused viz., A1 has given a confession statement stating that he has given a sum of Rs.9,00,000/- to the petitioner as bribe for registering the documents, and the confession of other accused also clearly reveals that the petitioner is having close contact with them.

15.Considering the above circumstances, as the petitioner was working as Sub Registrar, if the petitioner granted anticipatory bail, he will tamper with the witnesses and other records, which



are available in his office. That apart, as pointed out by the learned Additional Public prosecutor regarding the confession of other accused and also for recovery of hard disk of CCTV and other documents, custodial interrogation of the petitioner is required. Considering all those circumstances and the gravity of offence against the petitioner, this Court not inclined to grant anticipatory bail to the petitioner.

16. Accordingly, this criminal original petition is dismissed.

sd/-  
04/09/2020

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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,  
CITY CRIME BRANCH,  
MADURAI CITY.
2. THE INSPECTOR GENERAL OF REGISTRATION,  
SANTHOM HIGH ROAD,  
CHENNAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1CC to M/s.M.S.JEYAKARTHIK, Advocate ( SR-6271[I] dated 07/09/2020 )

+1CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-6288[I] dated 08/09/2020)

ORDER  
IN  
CRL OP(MD) No.5924 of 2020  
Date :04/09/2020

VSG

<https://hservices.ecourts.gov.in/hcservices/> SPS/ VP/ SAP-II/ 08.09.2020/ 6P/6C