



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

Date : 07/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6099 of 2020

Thangarathinaraj @ Thangaraj

... Petitioner/Accused No.9

Vs

State Represneted by,
The Inspector of Police,
Surandai Police Station,
Tirunelveli District.
In Crime No.66/2020.

... Respondent/Complainant

For Petitioner : M/s. P.Ponraj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 465, 467, 468, 471 and 420 of IPC., in Crime No.66 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely, balu, who is working as Village Administrative Officer, at Surandai Village, alleged in his complaint that the Government having a promboke land in Survey No.635/2 in Surandai Village. Subsequently, the said land was given to police Department vide Veerakeralam Tahsildar Office's proceeding on 16.02.2004. In these circumstances, the first accused made a forged General Power document to A-2 for the said Survey No.635/2, vide document No.43/2019, dated 10.01.2019, on the file of the Sub Registrar Office, Vasuthevanallur. Thereafter, the second accused sold 50 cents to third accused in the said survey number vide Document No.2935/2019, dated 31.12.2019, on the file of the Sub Register Office, Vasuthevanallur. Hence, the case.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that he is only an attesting witness to the alleged forgery document and he is no way connected with the offence. Further, he submitted that this is the second anticipatory bail petition.

5. The learned Government Advocate (Crl.Side) appearing for the State submitted that the land in question is the Government promboke in the year 2004 and the same was allotted to the Police Department. The first accused, in connivance with A-7, who was working as Junior Assistant in the Sub Registrar Office, Vasuthevanallur, though the property is out of jurisdiction, has registered a general power of attorney in favour of A-3 while A-2 created the sale deed in favour of the A-3, who is none other than the son of A-2. Furthermore, A-7 colluded with all the witnesses and created the document as if, the property belongs to A-1 and thereby, embezzled the property of the Government and the matter is under investigation. He further submitted that A-7 has already moved an anticipatory bail in Crl.OP (MD)No.3453 of 2020 and the same was dismissed by this Court on 10.03.2020 and the present petitioner/A6 has already moved an anticipatory bail in Crl.OP(MD)No.4811 of 2020 and the same was also dismissed by this Court on 18.03.2020.

6. Considering the rival submissions and nature and gravity of the offence and the preliminary stage of the investigation and also taking note of the fact that the petitioner has involved in the entire episode, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

07/10/2020

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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,
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6099 of 2020

Date : 07/10/2020

DSS

PK/SMA/SAR-3/13.10.2020 : 3P/3C