



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9270 of 2020

and

CRL MP(MD) . No.4529 of 2020

Senthil Kumar

... Petitioner/Accused No.9

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Madurai.

(Cr.No.24 of 2020)

... Respondent/Complainant

For Petitioner : Mr.T.Balakrishnan, Advocate.

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

For Intervener : No appearance

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

PRAYER :- For an Anticipatory Bail in Crime No.24 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A9, apprehending arrest at the hands of the respondent police for the offences punishable under sections 465, 467, 468, 471, 419, 420 and 120(B) of I.P.C., in Crime No.24 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.Totally there are eleven accused in this case. The petitioner is working as a Joint Sub-Registrar No.1, Madurai South. The case of the prosecution is that the second accused with the help of the third accused said to have created a forged power of attorney in the name of the first accused and the same was registered by the Sub Registrar, Thiruppuvanam. Based on the Power of Attorney, the first accused said to have sold the property in favour of the sixth accused and the same was registered by the petitioner herein. Insofar as the petitioner is concerned, the petitioner is being as Joint Sub-Registrar and the petitioner with the connivance of the other accused has registered the sale deed without verifying



genuineness of the document. Hence, the petitioner was arrayed as 9th accused.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent. None appearance on behalf of the intervener/defacto complainant.

4. The learned counsel appearing for the petitioner submitted that after registering the Power of Attorney, A1 said to have produced a missing certificate for registering the sale deed. Thereafter, the petitioner sent a communication to the Office of the Sub-Registrar, Tirupuvanam, whether the power of attorney was registered and the same is genuine one. After receiving communication from the Sub-Registrar, Tirupuvanam, it reveals that the documents are genuine, and the petitioner has registered the sale deed in favour of the sixth accused. He further submitted that the petitioner is an innocent person and he is no way connected to the crime. He further submitted that, now the above said document has been set aside by the District Registrar (Admin), Sivagangai District, wherein, the District Registrar (Admin), Sivagangai District accepted his explanation and there is no finding that the petitioner has committed any illegality. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police submitted that the petitioner was working as Joint Sub-Registrar No.1, Madurai South and without verifying the genuineness of the original documents, he has registered the sale deed in favour of the petitioner. Subsequently, the aforesaid documents was also set aside by the the District Sub-Registrar, Sivagangai District and strongly opposed the bail.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the allegation against the petitioner is that he has registered the document without verifying genuineness of the parental documents, wherein, A1 and A3 have committed forgery. It is also seen that the document has been challenged before the District Registrar, Sivagangai, wherein, the petitioner has also submitted his explanation and the same was accepted by the District Registrar (Admin), Sivagangai District, and also set aside the document. Till date, no departmental action was initiated against the petitioner. Considering the above circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Madurai, and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum

to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Consequently, the connected criminal miscellaneous petition is closed.

sd/-

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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 JUDICIAL MAGISTRATE,
(SPECIAL COURT FOR LAND GRABBING CASES),
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.9270 of 2020

Date :22/09/2020