



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

Date : 16/10/2020

WEB COPY

PRESENT

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

CRL OP(MD).No.11464 of 2020

P.Rajendran

...Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Surandai Police Station,
Tenkasi District.
Crime No.66 of 2020

...Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.66 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 offence punishable under sections 465, 467, 468, 471 & 420 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 is a Village Administrative Officer, lodged a complaint before the respondent police, wherein he stated that the land in Survey.No.635/2 to an extent of 2 acres and 1 cent was classified as poramboke land in the Revenue Register, but during field inspection, he came to find that on 10.01.2019 a general power of attorney and on 31.12.2019, a sale deed were executed by the 1st accused in favour of the 2nd accused and the same were registered in Doc.Nos.43/2019 and 2935/2019 respectively. Based on the same, the FIR was registered against the accused.

<https://hcservices.ecourts.gov.in/hcservices/>



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 the petitioner is nothing to do with the alleged allegation. The petitioner is working as a Sub-Registrar and he registered the documents, after scrutinizing the same, by following the procedures. As per the Rule 55 of the Tamil Nadu Registration Rules contemplates as follows:

'Rule 55. It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:-

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;

(d) that the executing party is not really dead, as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic.'

mandates that it shall not be the duty of the registering officer to enquire into the validity of the document brought before him, except in cases where an objection has been taken in respect of the nature of the document that it is forged; or the persons who are appearing before him are not the persons they profess to be; or the person appearing as a representative has no right to appear, or the executing party is a minor or an idiot or a lunatic.'

Therefore, the petitioner has no role to play with regard to verify the title over the property and also nature of the property.

5. The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that the suit property is classified as poramboke situated comprised in Survey No.635/2 at measuring 2 acres and 1 cents situated within the jurisdiction of Surandai Sub Registrar Office. While being so, all the accused conspired together and the first accused executed a power of attorney in favour of the second accused. In turn, the second accused executed the sale deed in his own son's favour namely, A3. All the registration have been done with the assistance of the 4th accused. He further submitted that the petitioner is concerned, when he was working as a



Junior Assistant in the Office of the Sub-Registrar, Vasuthevanallur, when the Sub Registrar, Surandai was on leave, he arranged for the properties within the jurisdiction of Surandai Sub Registrar Office and registered the power of attorney executed by the first accused in favour of the second accused. Thereafter he was transferred to Sivagiri Sub Registrar Office. Again he arranged the registration for the very same property, for the sale deed executed by A2 in favour of A3, in which also the Sub Registrar Office does not have any jurisdiction. Therefore, there are specific overtact as against the petitioner and thereby the accused has committed very serious offence. Further, on earlier occasion, this Court, had dismissed the anticipatory bail petition filed by this petitioner on 10.03.2020.

6.It is seen that there are totally 14 accused, in which, the petitioner is arrayed as A4. When the petitioner was working as a Junior Assistant in the office of the Sub Registrar, Vasuthevanallur, the Sub Registrar, Surandai was on leave he arranged for the properties within the jurisdiction of Surandai Sub Registrar Office and registered the power of attorney executed by the first accused in favour of the second accused. Thereafter, he transferred to Sivagiri Sub Registrar Office and again he arranged for registration of sale deed executed by A2 in favour of A3, who is none other than the own son of A2. The property is classified as poramboke, comprised in Survey No.635/2 at measuring 2 acres and 1 cents.

7.Considering the above facts and circumstances of the case and considering the fact that this petitioner had played big role and he had involved in the entire transaction and the petitioner has committed very serious offence, this Court is not inclined to grant anticipatory bail to the petitioner, at this stage.

8.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
16/10/2020

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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



TO

1. THE INSPECTOR OF POLICE,
SURANDAI POLICE STATION,
TENKASI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.11464 of 2020

Date : 16/10/2020

VSD

TK/VR/SAR.2/28.10.2020/4P/3C