



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

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13784 of 2020

Ilaiyaraja ... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
District Crime Branch, Thanjavur,
Thanjavur District.
Crime No. 6 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,
Advocate.

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

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

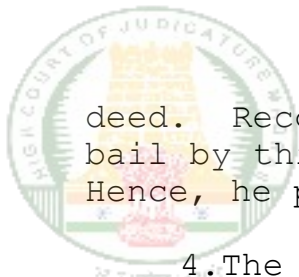
PRAYER :- For Anticipatory Bail in Crime No.6 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 420, 471, 477A and 120B of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the first accused without having any title or right over the property, belonging to the defacto complainant, executed a power of attorney in favour of the second accused and the power of attorney was registered by the third accused/Sub Registrar.

3.The learned counsel appearing for the petitioner would submit that even as per the prosecution, the petitioner is arrayed as A3 and he registered the document, which was presented by the first accused in favour of the second accused. Even as per the registration Act, the Sub Registrar has no role to verify the ownership of the document produced by the person concerned before registration. He would further submit that subsequent to the execution of the power of attorney deed in favour of the second accused, the first accused has cancelled the said power of attorney



deed. Recorind the same, the first accused was granted anticipatory bail by this Court in Crl.O.P.(MD)No.7264 of 2020, dated 28.07.2020. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner is arrayed as A3, who is the Sub-Registrar, who registered the document which was produced by the first accused in favour of the second accused. The defacto complainant obtained the subject property derived by his ancestors. While being so, the first accused without having any title or right over the property, executed the power of attorney in favour of the second accused, in respect of the subject property

5.It is seen that there are totally three accused, in which, the petitioner is arrayed as A3. While he is working as a Sub-Registrar, the first accused presented a power of attorney document for registration in favour of the second accused. On verification of the document, the petitioner herein registered the power of attorney in favour of the second accused. Now, the defacto complainant alleged that the first accused has no title or right over the property and registered the power of attorney in favour of the second accused, only to grab and to create encumbrance over the property. In so far as the petitioner is concerned, who is the Sub-Registrar registered the document in favour of the second accused and the petitioner has no role to verify the ownership of the property.

Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily **at 06.30 p.m** for a period of two weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.



(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/12/2020

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13784 of 2020

Date :02/12/2020

LS

JM/PN/SAR IV/07.12.2020/3P/5C