



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.04.2022

Pronounced on : 29.04.2022

Coram::

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THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.9801 of 2022

C.Raj Kumar

... Petitioner/Rank Not known

/versus/

State: Inspector of Police,
Tambaram Police Station,
Chennai.
(Crime No.247 of 2022)

... Respondent/Complainant

Prayer:- This Criminal Original Petition is filed under Section 438 of Cr.P.C., pleaded to enlarge the petitioner on bail in the event of arrest in Crime No.247 of 2022 on the file of the respondent or on his appearance before the concern Court to release him on bail.

For Petitioner : Mr.C.K.Chandrasekar, for
Mr.V.C.Vinoth Kumar.

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

O R D E R

The petitioner herein, who apprehending arrest for the alleged offences under Section 465, 467, 471 and 477 of I.P.C., in Crime No.247 of 2022, on the file of respondent police, seeks anticipatory bail.

2. The petitioner herein is presently the Revenue Divisional Officer at Nagapattinam. Formerly, when he was serving in the same capacity at Tambaram had passed an order in Na.Ka.705/2018/A, dated 12/07/2019 cancelling an entry in the revenue record in the name of one Damodharan S/o.Jayaram Pillai, for the said entry is false and bogus. Later, in a Writ proceedings, when the records were called, the file found to be missing. In this connection, this Court in W.A.No.177/2021 vide order dated 20/09/2021, directed the authorities to conduct enquiry and take action against the erring Officials.

3. Pursuant to the direction of this Court, the Commissioner of Land Administration had directed the present incumbent to lodge criminal complaint and the present Revenue Divisional Officer of



Tahsildar has filed complaint before the respondent police against this petitioner, which is taken up for investigation in Crime No.247/2022 for an offences punishable under sections 465, 467, 471 and 477 I.P.C.

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4. This petitioner apprehending arrest seek anticipatory bail stating that, the direction of the High Court in the Writ Appeal No.177/2021 is only to conduct departmental enquiry on the missing records. Whereas, the criminal complaint is filed against this petitioner as if, he has issued patta to Damodharan for the property which he has no right and the file pertaining to the proceedings is concealed by the petitioner and not available in the Office.

5. Heard the Learned Counsels and records perused. In the order of the Division Bench of this Court in W.A.No.177/2021, dated 20/09/2021, had directed the Commissioner of Land Administration, to enquiry into the matter indicating:-

(i). Under what authority the impugned order was passed by the then Revenue Divisional Officer, when the said authority is only an appellate authority and the power only vests with the Tahsildhar, as per Section 10 of the Tamil Nadu Patta Pass Book Act, 1983.

(ii). The reason for not summoning the Company for enquiry, when the first respondent-Company had sent a letter to the Revenue Divisional Officer asserting their ownership much before the impugned order effecting name change in patta was issued.

(iii). When and where all the original files were placed/misplaced, since the then RDO asserted that on the date when he passed the order impugned in the writ petition, they were very much available ; and

(iv). The further course of action that is proposed to be taken against the errant officials in this regard.

6. The criminal complaint is filed as further course of action. This Court, on reading the F.I.R finds that, the complainant alleges that, the petitioner has issued patta to Mr.Damodharan illegally and had concealed the file relating to his proceedings.

7. The order dated 12/07/2019 passed by the petitioner herein is the subject matter of the W.P.No.9595 of 2020 filed by M/s.The Chrome Leather Company Limited. This order was set aside by the Single Judge by order dated 24/08/2020. Aggrieved by the order of the single Judge, intra court appeal in W.A.No.177/2021 filed by the second respondent - Quenti Dawson. In the pending appeal, the directions mentioned in paragraph No.5 cited supra has been passed after noticing the fact that original documents and file pertaining to the proceeding impugned is missing. The needle of suspicion



points the petitioner. The petitioner, who is in service, ready to cooperate with investigation. The offence alleged does not require custodial interrogation.

8. Hence, this Court is inclined to grant anticipatory bail. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Tambaram, on condition that, the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:-

(a). The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b). The petitioner shall appear before the Investigating Officer as and when required for interrogation.

(c). The petitioner shall not tamper with evidence or witness either during investigation or trial;

(d). The petitioner shall not abscond either during investigation or trial;

(e). 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 anticipatory 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]; and;

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

-sd/-

29/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
NO. I, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S V.C.VINOTH KUMAR Advocate on payment of necessary
charges SR.6505

CRL OP.9801/2022

Date :29/04/2022

RVR 29/04/2022