



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 01/04/2022

PRONOUNCED ON : 08/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . No.4262 of 2022

Brightwin ... Petitioner/Accused-4

Vs

1. State rep.by
The Inspector of Police,
District Crime Branch,
Thoothukudi.
(Crime No.5/2022). ... Respondent/Complainant

2. Abraham Rajasekar ... 2nd Respondent

[R2 suo-motu impleaded as per order
of this Hon'ble Court dated 04.03.2022
in Crl.O.P.(MD)No.4262 of 2022 by KMSJ]

For Petitioner : M/s.Muthukamatchi V, Advocate.

For Respondent 1 : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Respondent 2 : Mr.V.Rajiv Rufus, Advocate

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

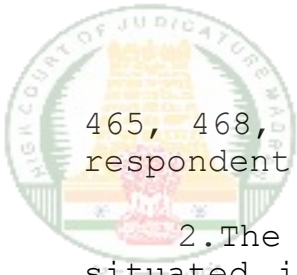
PRAYER :-

For Anticipatory Bail in Crime No.5 of 2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

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

The petitioner/A4, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 120(B),



465, 468, 471 and 420 IPC in Crime No.5 of 2022 on the file of the respondent police, seeks anticipatory bail.

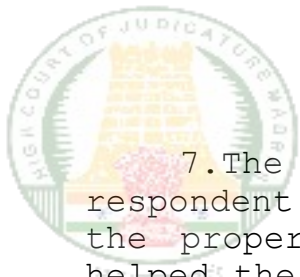
2.The case of the prosecution is that the property in dispute situated in S.F.No.251/1A to an extent of 2 ares in Patta No.1823 was originally belonging to the de-facto complainant's father, that after demise of his father, the de-facto complainant and his mother were enjoying the property, that A1 and A2 have created forged patta and on that basis executed a settlement deed in favour of their daughter/A3 on 29.09.2020, that A3 had executed another settlement deed in favour of A1 and A2 on the same day and that thereby, A1 to A3 colluded with A4 and cheated the de-facto complainant.

3.The petitioner's case is that he was working as Sub-Registrar, Udankudi, Thoothukudi District at the relevant point of time, that the petitioner is now working as Sub-Registrar, Kadaladi, Ramanathapuram District, that the petitioner has not involved in any creation of forged documents, that the petitioner has verified the previous documents entry through encumbrance certificate and nothing was reflected at that time, that the de-facto complainant has preferred a complaint after 1 ½ years and that the above complaint has been filed with *malafide* intention to falsely implicate the petitioner in the present case.

4.The learned counsel for the petitioner would submit that the petitioner being a Sub-Registrar is having limited role in the registration, that he is innocent and that he has not involved in creation of any such forged documents as alleged by the prosecution.

5.Considering the nature of the dispute and considering the submission made by the learned counsel for the petitioner as well as the learned Government Advocate (Crl. side), this Court has *suo-motu* impleaded the de-facto complainant as second respondent and notice was ordered to be issued.

6.Mr.V.Rajiv Rufus, learned counsel, has entered into an appearance for the second respondent/de-facto complainant and also produced the typed set of papers. The second respondent has produced the proceedings of the Tahsildar, dated 16.11.1994 and the two settlement deeds executed on 29.09.2020 and the complaint given to the Inspector General of Registration and other authorities. In the complaint, the second respondent has specifically alleged that he was in Coimbatore for his business, that the same was utilised by the accused and attempted to encroach the land of the de-facto complainant, situated adjacent to the land of the accused 1 and 2, that they have effected mutation of their names fraudulently, that on the basis of the same, A1 and A2 have executed a settlement deed in favour of their daughter on 29.09.2020, who in turn, had executed another settlement deed in favour of her mother on the same day and that A4 after knowing about the fraudulent acts of the other accused had helped them in grabbing 14 cents of land belonging to the de-facto complainant's family.



7.The learned Government Advocate (Crl. side) for the first respondent would submit that the petitioner after fully knowing that the property was owned by the de-facto complainant's family had helped the other accused and registered the two settlement deeds on the same day in respect of the same property and that the investigation is pending.

8.It is pertinent to note that A1 and A2 have executed a settlement deed, dated 29.09.2020 in favour of A3 and that on the very same day, A3 had executed a settlement deed in favour of her mother/A2.

9.As rightly contended by the learned counsel for the second respondent, neither the present petitioner nor the accused 1 to 3 have offered any explanation as to why the two settlement deeds were executed on the same day in respect of the same property.

10.It is not in dispute that the petitioner was the Sub-Registrar of the Udankudi SRO, where the alleged two settlement deeds were executed.

11.Considering the above facts and circumstances and also considering the seriousness and gravity of the offence alleged against the petitioner and also taking note of the objections raised by the prosecution and also the fact that the investigation is pending as stated by the learned Government Advocate (Crl. side), this Court is not inclined to grant anticipatory bail to the petitioner.

12.In the result, this Criminal Original Petition is dismissed.

Sd/-
08/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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.



1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI.

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

+1. CC to M/S.V.Rajiv Rufus, Advocate SR.No.3246

ORDER
IN
CRL OP (MD) No.4262 of 2022
Date :08/04/2022

SP/SVR/SAR II/12/04/2022/4P/4C