



WEB COPY

CRL OP(MD). No.13610 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 24.02.2022

Pronounced on : 03.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.13610 of 2021

Senthil Kumar, ... Petitioner/Accused Rank Not Known

Vs

THE STATE REP BY,
The Inspector of Police,
District Crime Branch,
Karur District.

(In Cr.No.Not known of 2021) ... Respondent/Complainant

Gopinath

...Intervener/Nil

IN CRL MP(MD)No.7480 of 2021

For Petitioner : Mr.P.Ganapathi Subramanian,Advocate.

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

For Intervenor : Mr.S.Gokulraj, Advocate
IN CRL MP(MD)No.7480 of 2021

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

PRAYER :-

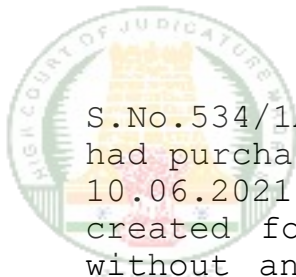
For Anticipatory bail in Crime No. Not known of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 466, 477 IPC, in Crime No.Not known of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant the house plots in Plot.Nos.22, 23 and 24 in Old

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



S.No.534/1A1A at Authoor Village, Karur Taluk, that the complainant had purchased the said property through a registered sale deed dated 10.06.2021 and meanwhile the petitioner and four other accused had created forged documents in respect of the complainant's property without any parent documents, that the accused are not having any correlated documents to show as they are having valid title to the property, that when the first accused V.K.Rajendiran had attempted to create the encumbrance in respect of property, then the Sub-Registrar of Mela Karur had refused to register the said document, that thereafter, the accused conspired together along with the petitioner, who is the then Sub-Registrar had registered the settlement deed alleged to have been executed by the first accused V.K.Rajendiran in favour of his wife Valarmathi.

3.The learned counsel for the petitioner would submit that the petitioner is working as Sub-Registrar and he has no role in the registration of the documents, that the complaint already lodged was ordered to be closed and that thereafter, the complainant has filed a petition under Section 156(3) Cr.P.C before the jurisdictional Magistrate and the same was forwarded and on that basis, FIR came to be registered.

4.It is not in dispute that at the time of filing of the above petition, case was not registered.

5.The learned counsel for the intervenor would submit that since the complaint given to the first respondent was of no avail, he preferred a complaint before the Superintendent of Police, Karur on 16.08.2021, that though the same was forwarded to the respondent, he had refused to take necessary action, that thereafter, the complainant was constrained to file a petition under Section 156(3) Cr.P.C in Crl.M.P.No.1438 of 2021 and that the learned Judicial Magistrate, Karur has passed an order, directing the respondent to register the case against the accused, that even thereafter, the respondent was not interested to file the FIR and that only after the filing of the petition under Section 482 Cr.P.C, in Crl.OP.(MD) No.13571 of 2021, seeking directions to register the case, the respondent has registered the case in Crime No.8 of 2021 on 15.09.2021 for the alleged offence under Sections 120(b), 420, 468, 294(b) and 506(i) IPC.

6.He would further submit that immediately after registration of the said FIR, the respondent had received another counter complaint from the accused and registered the case in Crime No.9 of 2021 against the complainant and others.

7.It is evident from the records that the matter was earlier referred to Mediation, but the same was ended into failure.

8.As rightly pointed out by the learned counsel for the
<https://hcservicesportal.gov.in/hcservices/> learned Judicial Magistrate in Crl.M.P.No.1438 of



2021, vide order dated 06.09.2022, after considering the records and after satisfying that there existed a *prima facie* case to register the FIR, has forwarded the complaint under Section 156(3) Cr.P.C to Keeranur DCB, for registering the case and for investigation.

9.The learned counsel for the intervenor would submit that the previous Sub-Registrar of Mela Karur, had refused to register the document filed by the first accused, but the petitioner herein in collusion with the other accused, despite the orders passed, has chosen to register the document.

10.The learned counsel for the petitioner has produced the copy of the order passed by the District Registrar, Karur, dated 19.01.2022, wherein, she has specifically observed that since there were two separate decrees obtained by different persons in different Courts with respect to the same property, Sub Registrar was directed not to register any documents on the basis of the said decrees.

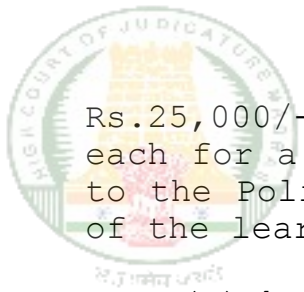
11.In the said order, the learned District Registrar has further observed that since the Sub-Registrar has violated the circulars issued by the Deputy General of the Registration Department, departmental action against the concerned Sub-Registrar is to be recommended.

12.Considering the rival contentions, it is clearly evident that there existed property disputes between the parties and that both the parties are making allegations each other and on that basis, two FIRs came to be registered and the same are pending investigation.

13.No doubt, though the District Registrar in the order dated 19.01.2022 has observed that she was going to recommend the disciplinary action against the petitioner herein for allegedly violating the circulars issued by the IG of Registration Department for not verifying the encumbrance certificate and other parental documents. There is no *prima facie* material to show that there existed collusion between the petitioner and the other accused and as such the custodial interrogation of the petitioner is not at all necessary.

14.Considering the facts and circumstances of the case and also the considering nature of the charges levelled against the petitioner and that the petitioner is not having bad antecedents, this Court is inclined to grant anticipatory to the petitioner, but with certain conditions.

15.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.I, Karur District, on condition that the petitioner shall execute a bond for a sum of



Rs.25,000/- (Rupees Twenty Five 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 conditions that:

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

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, 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 petitioners 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]***; and;

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

sd/-

03/03/2022

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

DAS

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.I
KARUR

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



2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR DISTRICT.

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

+1CCtoM/s.P.GANAPATHISUBRAMANIAN, Advocate (SR-1762 [I] dated 07/03/2022)

ORDER
IN
CRL OP(MD) No.13610 of 2021
Date : 03/03/2022

PKP/VR/SAR-4/10.03.2022/5P/6C