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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 06.09.2022

Delivered on : 08/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16030 of 2022

Viswanath

... Petitioner/Accused No.8

Vs

1. State rep.by

The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.35/2022).

... Respondent/Complainant

2. Pongokila,

Sub Registrar,
Sub Registrar (Incharge).
Ettayapuram Sub Registrar Office,
Thoothukudi District.

... Respondent/Defacto
Complainant

For Petitioner : M/s.Arumugam C M, Advocate.

For Respondent : Mr.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.35 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 120B, 419, 465, 468, 471, 420 IPC and Section 82(a) of Registration Act, 1908, in Crime No. 35 of 2022, seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner and others by impersonation executed a power of attorney deed in the year 2020 and based on that power deed, executed a sale deed. The



District Registrar, Palayamkottai initiated proceedings concerning the above said two documents. After enquiry and invested the Sub Registrar to initiate action under Section 83 of the Act. The petitioner has not committed any offence, in this regard, the power of attorney as well as the sale deed were not prepared by the petitioner. The signature of the petitioner was forged. The petitioner was wrongly shown as the document writer. In fact, the petitioner is the practising Advocate since 1991. He was a panel Advocate in State Bank of India, Sattur, Indian Bank, Sattur, R.R. Nagar Branch and Tamil Nadu Grama Bank, Sattur Branch. In the year 2020, the petitioner had given legal opinion in the matter of GRT Thangamalligai Jewellers. Later, the petitioner was instructed to appear before the Anti Land Grabbing Wing, Thoothukudi District, wherein, on 06.09.2021 came to know about the registration of the above said documents. His signature was forged by the officers of the document by manipulating records and by using his passport size photograph along with ID card, A2 in this case used to come to the petitioner's office and GRT Jewelers. The District Registrar (Administration), Palayamkottai, has also issued notice to the petitioner. The petitioner submits his statement through post. Since the petitioner appeared before the police as well as the District Registrar, he has not taken any independent legal steps against A2. The petitioner has no nexus with the inact of the accused.

3. On the side of the petitioner, it is stated that the petitioner is an Advocate having 30 years of Bar experience, he never stood as a document writer in any office and he has no previous case and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the petitioner is A8 in the case. There is a previous case in Crime No.32 of 2022, which is similar in nature. The total land involved is 300 acres for some of the land, the petitioner gave legal opinion and for sum of the transaction the petitioner has sent as a document writer and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the case and considering the land involved in the occurrence and considering the allegation levelled against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is dismissed.

Sd/-

08/09/2022

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/09/2022

Sub-Assistant Registrar (C.S.IV)
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 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16030 of 2022
Date :08/09/2022

SP/SVR/SAR IV/12/09/2022/3P/3C