



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

Dated: 02/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.19451 of 2021

WEB COPY

Chockkalingam

: Petitioner/Accused 9

Vs.

The State rep. By,
The Inspector of Police,
Anti-Land Grabbing Police Station,
District Crime Branch,
Thoothukudi District.
(Crime No.23 of 2021)

: Respondent/Complainant

For Petitioner

: Mr.S.Muthumalai Raja,
Advocate

For Respondent

: Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.23 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A9 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 417, 420, 466, 468, 471, 166-A and 34 of IPC, in Crime No.23 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant purchased 1.96 Acres of land, which is situated in eastern portion of Survey No.167/1A from the power of attorney, on 20/12/2007. The remaining portion of the eastern side on the above said survey number was sold to A1 by Rabat Thiraviyaraj and Joseph Selvaraj, who are the real owners. Later A1 to A6 filed a suit before the civil court stating that the purchase that was made by the de-facto complainant is null and void. That suit was dismissed on 17/11/2017. Later appeal was filed before the Sub Court and now it is pending. During the verification of the document, it came to light of the de-facto complainant that when the suit is pending, A1 to A6 with the help of A8 and A9 and others, registered the document of tile of transfer of title to 25 persons by dividing the same into plots. Based upon the above said complaint, a case in Crime No.23 of 2021



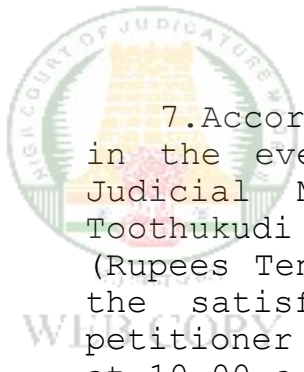
has been registered for the offences under sections 120(b), 417, 420, 466, 468, 471, 166-A and 34 of IPC.

3. Now the case of the petitioner is that the appeal filed in AS No.93 of 2017 on the file of the Sub Court, Thoothukudi. As mentioned in the complaint, the suit that was filed by A1 to A6 before the Principal District Munsif, Thoothukudi, in OS No.518 of 2012, was dismissed. Now this petitioner was only the registering authority at the time of registering the document. Except that, he is not involved in the above said civil transaction between the de-facto complainant and other accused persons. Now on retirement, he is doing document writing job. Similarly placed co-accused have been granted anticipatory bail in Crl.OP(MD)No.12825, 13063 and 13125 of 2021, dated 01.10.2021. Since the petitioner is also standing on the same footing, this petitioner filed anticipatory bail along with the co-accused Kasi Vishwanathan before the Principal Sessions Judge, Thoothukudi, in Crl.MP NO.3505 of 2021 and that was dismissed, on 29/12/2021.

4. Reading of the anticipatory bail order that has been passed by this court in favour of A10, A11 and A15 in the above said Crl.OP (MD)No.1285 of 2021 batch, dated 01/10/2021 shows that the documents under dispute were registered in the year 2014 and 2015 prior to the circular that was issued by the competent authority prohibiting the registration of the unapproved layouts. Considering the role that alleged to have been played by the above said co-accused persons, that petition came to be allowed.

5. Now coming back to the case, it is seen that the petitioner was working as registering authority during the relevant time. Challenging the registration of the disputed sale deeds, this petitioner gave a complaint before the District Registrar, Thoothukudi and after elaborately considering the issue, the District Registrar by order, dated 19/08/2021, has dismissed the complaint given by the petitioner stating that there was no impersonation found out and during the course of registration, it was not brought to the notice of the registering authority that civil suit is pending between the parties and the registration has been undertaken only on the basis of the revenue records, which was in existence at the time of registration. After the civil court decree was passed in O.S No.518 of 2018, no subsequent registration of the documents were undertaken in respect of the properties. So it is seen that registration of the document has been undertaken by this petitioner while acting in the official capacity as Sub Registrar on the basis of the revenue records.

6. So considering the role that was alleged to have been played by this petitioner, I am of considered view that similarly placed persons were also released on anticipatory bail, this court is inclined **to enlarge the petitioner on anticipatory** bail with certain



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Toothukudi and on his executing 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 learned Magistrate concerned and the petitioner shall appear before the respondent police once in 15 days at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
02/02/2022

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/ /2022
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
(SPECIAL COURT FOR LAND GRABBING CASES),
THOOTHUKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING POLICE STATION,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19451 of 2021
Date : 02/02/2022

USK/JM/SAR-III/09.02.2022/3P/5C

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