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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 09/09/2022

PRESENT

The Hon'ble Mr. Justice **G. ILANGO VAN**

Crl.OP (MD) No.20468 of 2021

G. Rosariammal

... Petitioner/Accused-13

Vs.

The State rep. By
The Sub 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.M.Vaikkam Karunanithi
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 A13 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 417, 420, 466, 468, 471, 166A and 34 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 lodged a complaint stating that she purchased the property in Survey No.167/1A measuring about 1.96 acres on the western side. The remaining eastern portion was released by one Rabat Thiraviyaraj and Joseph Selvaraj in favour of A1 to A6. Later, A1 to A6 executed power of attorney in favour of A7. Challenging the sale, A1 to A7 filed a suit in O.S No.518 of 2012 on the file of the Principal District Munsif, Thoothukudi and that was dismissed, by including 46 cents, which belongs to the de-facto complainant. The above said



Santhana Mari, Ammasikani, Dhanalakshmi, Selvaraj and V. Umadevi executed a settlement deed in favour of Murugesan, on 09/03/2012. The above said Murugesan without obtaining proper plan approval, divided the property and sold to several persons. Those documents have been registered by the Sub Registrar, on 11/05/2015 namely A11 to A15 on various dates in respect of various portions. With the above said allegation, she lodged a complaint.

3. During the course of investigation, A8, A9, A10, A11, A12, A14 and A15 were deleted from the investigation and this petitioner, being the Sub Registrar, is now facing the investigation.

4. The ground on which, the petitioner has been implicated is that without noticing the prohibitory order, registration has been undertaken by this petitioner in respect of the above said document. So the learned Government Advocate (Criminal side) would submit that this is the serious mistake committed on the part of the petitioner.

5. But whether this will assume criminal liability is a matter for consideration. So the petitioner, being the Sub Registrar who acted in his official capacity is entitled for anticipatory bail.

6. Considering the above facts and circumstances of the case and also considering the limited role that has been played by the petitioner, this court is inclined **to grant anticipatory bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Thoothukudi and on her 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 Judicial Magistrate concerned and the petitioner shall report before the respondent police, daily at 10.30 am 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 stands dismissed.

Sd/-

09/09/2022

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/09/2022

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



1. THE JUDICIAL MAGISTRATE
(SPECIAL COURT FOR LAND GRABBING CASES),
THOOTHUKUDI.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE SUB 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.20468 of 2021
Date :09/09/2022

SP/GB/SAR II/23/09/2022/3P/5C