



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 01/03/2022

Pronounced on : 07/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.20964 of 2021

S.Haja Mohideen

... Petitioner/Accused No.9

Vs.

State rep.by
The Inspector of Police,
District Crime Branch (ALGSC),
Madurai.
(Crime No.31/2021).

... Respondent/Complainant

P.Nagammal

...Petitioner/Intervener
in Cr1 MP(MD)No.1421 of 2022

For Petitioner : Mr.R.Suresh Kumar,Advocate
for M/S.Veera Associates.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Cr1.Side)

For Intervener : MR.P.Venkatesan,Advocate
in Cr1 MP(MD)No.1421 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.31 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections 120
(B), 420, 465, 467, 468, 471 IPC, in Crime No.31 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that the properties situated
in S.No.69/1, 2 and 49/3C, 62/3C and 21/9 at Ayanparaipatti Village,
<https://hcservices.mca.gov.in/Hcservices/>



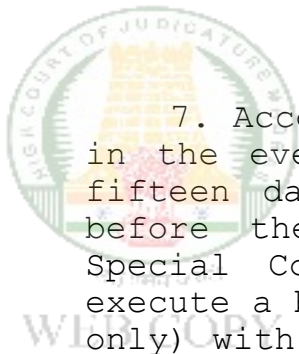
Peraiyur Taluk originally belonged to Muthammal, that the said Muthammal has two sons Subramanian and Balakrishnan and three daughters Mookammal, Pavunthai and Indira, that all the above said properties after the death of Muthammal have been in joint possession and enjoyment of all the legal heirs of the deceased Muthammal, that the first accused Pavunthai in order to cheat the other legal heirs, had created forged death certificate, legal heir certificate and patta by using Government seal and signatures of the Government Officials with the help of other accused as if she is only legal heir of the deceased Muthammal, that on the basis of the said forged documents, she created settlement deed in favour of his sons A2 and A3 and the second accused in turn executed a sale deed in favour of fourth accused. Hence, the complaint.

3.The case of the petitioner is that he is working as Sub-Registrar at Sub-Registrar Office, Peraiyur, that the documents allegedly registered by the petitioner was as a Sub-Registrar, based upon the parent document, encumbrance certificate and revenue records and that the petitioner/A9 has duly registered the said documents in accordance with the rules and circular issued by the Registration Department.

4.The learned counsel for the intervenor would submit that the complainant gave a complaint to the Deputy Inspector General, Registration Department, Madurai, seeking to take appropriate action that not to entertain any document for registration in respect of the above said properties, since the executors of the documents who involved in forgery, that the Deputy Inspector General, Registration Department has already issued a letter dated 03.08.2020 to the District Registrar and Sub-Registrar to take appropriate action based upon the complaint made by the complainant in respect of the said property and that the second respondent in turn had issued a letter to the complainant, dated 10.08.2020, wherein he has specifically undertaken to take appropriate action in respect of the objection made by the complainant.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that totally there are 9 accused and the petitioner is A9, that he is a Sub-Registrar, who has registered the document in question and that where the petitioner at the time of registration, has not verified the genuineness of the documents produced and also validity and legality of the same.

6.Considering the facts and circumstances of the case and considering the nature of the charges leveled against the petitioner and also the fact that the petitioner is not having any bad antecedents as stated by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate for Anti Land Grabbing Special Court, Madurai, 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 condition 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 petitioner 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/-

07/03/2022

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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



TO

1 THE JUDICIAL MAGISTRATE,
FOR ANTILAND GRABBING SPECIAL COURT, MADURAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (ALGSC), MADURAI.

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

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-1813[I]dated 08/03/2022)

ORDER
IN
CRL OP(MD) No.20964 of 2021
Date :07/03/2022

PKP/SBN/SAR-4/10.03.2022/4P/6C