



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT



WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.19772 of 2022

Mariraj

... Petitioner/Accused No.12

Vs

The State Rep.by
The Inspector of Police,
Anti Land Grabbing Police Station,
Tenkasi District.
(Crime No.107/2022)

... Respondent

(Amended as per the order of this Court
dated 22.11.2022 in CrI.MP(MD) .
14065/2022 in CrI.OP(MD).19772 of 2022).

Ponnusamy

... Petitioner / Intervenor /
Defacto Complainant
IN CRL MP(MD)No.14616 of 2022

For Petitioner : M/s.Micheal Sebastin B,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.S.Palanivelayutham,
Advocate.

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

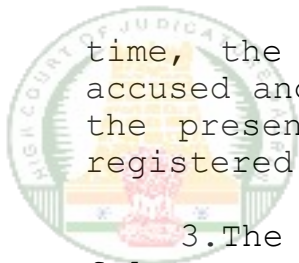
PRAYER :-For Anticipatory Bail in Crime No.107/2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.12, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
465, 468, 419, 471 and 420 of IPC, in Cr.No.107 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner is working
as Sub Registrar in the Sub Registrar Office, Tenkasi. The alleged
property is ancestral property belonging to Gopalakrishnan Nadar. The
defacto complainant had purchased the said property. In the mean

<https://www.mhc.tn.gov.in/judis>



time, the accused No.1 & 2 made forgery settlement to the accused and executed sale deeds in favour of the accused No. 10 in the presence of the accused No.6 to 11. These all documents are registered under the petitioner herein. Hence, the complaint.

3.The learned counsel for the petitioner would submit that false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is working as Sub Registrar in the Sub Registrar Office, Tenkasi. He had only done his duty. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor would submit that it is the duty of the petitioner to verify as to whether the seller produced encumbrance certificate in the sale transaction. In the above said transaction, no encumbrance certificate was produced before the petitioner for perusal of the ownership of the property. After receiving objection letter from the defacto complainant, he registered 6 documents within 3 months. It clearly shows that the petitioner is one of the conspirators to grab the property along with the other accused. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) would submit that serious allegation has been made against the petitioner that after giving objection letter from the defacto complainant, he had registered 6 documents within 3 months. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

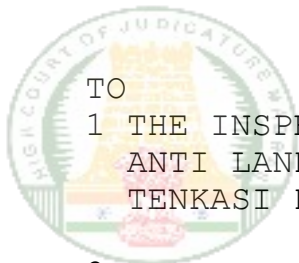
7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
28/11/2022

/ TRUE COPY /

/12/2022
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 INSPECTOR OF POLICE
ANTI LAND GRABBING POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-13832[I] dated
28/11/2022)

ORDER

IN

CRL OP(MD) No.19772 of 2022

Date :28/11/2022

DSS

MK/VR/SAR IV/08.12.2022/3P/4C