



WEB COPY



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

Date : 25/11/2022

PRESENT

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

CRL OP(MD) . No.20047 of 2022

R.Ramasamy

... Petitioner/Accused No.8

Vs

State rep.by
The Inspector of Police,
City Crime Branch,
Madurai
(Crime No.41/2020)

... Respondent/Complainant

Mahalingam

... Petitioner/Defacto
Complainant
(in Crl.M.P.(MD)No.14362/2022)

For Petitioner : M/s.Krishnaveni P, Advocate.

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

For Intervenor : Mr.K.Govindarajan, Advocate
for Mr.R.Mathiyalagan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.41/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A8, who apprehends arrest at the hands of the respondent police for the offence under Sections 419, 420, 463, 465, 468, 471 and 120B IPC in Crime No.41 of 2020 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that A-1 is the original owner of the property and the same was sold in favour of the de-facto complainant on 14.03.2013 and thereafter, the same was again sold in favour of A2 on 25.05.2013 and then, A1 said to have cancelled the earlier sale deed by impersonating with the help of other accused. Based on a complaint given by the de-facto complainant, the case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is working as Assistant Inspector General of Registration in Tiruppur Region and at present he is under the special auditing duty at Chennai. She would further submit that in the year 2013, when he was working as Deputy Registrar, he registered a sale deed executed between the seller A1 and buyer A2 for the subject land. Except that, he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused have already been granted anticipatory bail by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the allegation against the petitioner is that the petitioner being Joint Registrar without verifying the encumbrance certificate facilitated A1 to register a second sale for the property sold to the de-facto complainant on 25.05.2013 and colluded with A1 to impersonate an unknown person as that of the de-facto complainant to cancel the sale deed executed infavour of the de-facto complainant by A1. The investigation is in preliminary stage. Hence, he prayed for dismissal of this petition.

5.The learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail.

6.Considering the gravity and nature of the offence and also considering the fact that there is a specific overt act attributed against the petitioner and the investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
25/11/2022

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/12/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
MADURAI.

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

+1. CC to M/S.R.VIDHYA, Advocate SR.No.57995

+1. CC to M/S.M/S.Mr.R.MATHIYALAGAN, Advocate SR.No.13821

ORDER

IN

CRL OP (MD) No.20047 of 2022

Date :25/11/2022

SP/SSS/SAR IV/07/12/2022/3P/5C