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CRL OP(MD)



23

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

Date : 05/01/2023

PRESENT

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

CRL OP(MD). No.101 of 2023

Selvamani

... Petitioner/Accused No.6

Vs.

State Rep.by  
The Inspector of Police,  
Sivagangai Police Station,  
Sivagangai District  
(Crime No.27 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.Vivekanandan, Advocate  
For Respondent : Mr.A.Albert James  
Government Advocate (Crl.side)

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

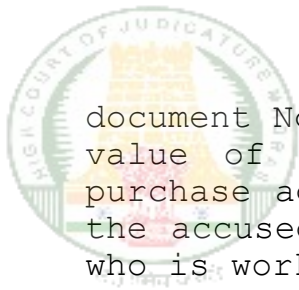
PRAYER :-

For Anticipatory Bail in Crime No.27 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 468, 471 420 and 120(B) IPC in Crime No.27 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant R.M.Subramanian is that he is the absolute owner of the punchai land to an extent 9.15.00 hectares, in Survey No.89, Kalayarkovil Circle, Seva Urani Group, Sival Punchai Village, in patta No.247 and it was inherited exclusively by his family for the past four generations. The defacto complainant and his family members have been cultivating their lands and they have been paying kist and there is a barbed wire fence around this land on all four sides till 17.05.2022 and the accused have taken a copy of the computer patta and prepared a forged false sale deed document and submitted it before the Sub Registrar at Kalayarkovil. The forged document submitted by the accused by impersonation is now pending in



document No.11/2022 at the Sub Registrar Office in Kalayarkovil. The value of the property has been mentioned as Rs.7 lakhs in the purchase agreement but the actual value of the property is high and the accused 1 to 5 have conspired together with the petitioner/ A6, who is working as the Sub Registrar. Hence, the complaint.

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3. The learned counsel for the petitioner submitted that petitioner is working as the Sub Registrar in Kalayarkovil Office and the main accused by impersonation produced certain document and it was scrutinized by the sub staff and it was handed over to the petitioner for registration and the petitioner believing the sub staff had accepted the document for registration and other than that, the petitioner has not committed any offence. He would submit that the sale deed has not been registered so far and it is kept under pending stage. He would further submit that the main accused are beneficiaries in the transaction and they have been arrested and subsequently they have been enlarged on bail. He would also submit that the petitioner is ready to abide by any stringent condition imposed by this Court and appear before the respondent police for interrogation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner colluded with the other accused and attempted to register a sale deed by impersonation. Hence, he prays to dismiss this application.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **(\*)Special Court, Land Grabbing Cases, Ramanathapuram**, on condition that the petitioner shall execute 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Judge concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Station everyday at 10.30 a.m for a period of two weeks and thereafter, on every Saturday at 10.30 a.m until further orders;

[c] the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/01/2023

**(\*)Amended as per order of the Court dated 06/02/2023 in CrI.MP (MD).1992 of 2023 in CrI.OP(MD). 101 of 2023.**

**Further time is also extended further for a period of two weeks, from the date on which the order is copy made ready. Thereafter, no further extension will be given.**

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/02/2023

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

CM

TO

**TO BE SUBSTITUED WITH THE ORDER DATED 05/01/2023 ALREADY DESPATCHED**

1 THE JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SPECIAL JUDGE, LAND GRABBING CASES, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE, SIVAGANGAI POLICE STATION,  
SIVAGANGAI DISTRICT.

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



CRL OP(MD)



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+1 CC to M/s.VIVEKANANDAN M, Advocate ( SR-1888[I] dated  
07/02/2023 )

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RS/VR/SAR.2 (24.01.2023) 4P-6C  
PNM  
SS/BUC/SAR.2/22.02.2023/4P/6C

ORDER  
IN  
CRL OP (MD) No.101 of 2023  
Date :05/01/2023