



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22562 of 2022

WEB COPY

R.Mariraj

...Petitioner/Accused No.12

-vs-

1.The State represented by
The Inspector of Police,
Anti-Land Grabbing Police Station,
Tenkasi District.
(in Cr.No.107 of 2022)

...Respondent/Complainant

2 Ponnusamy

...Petitioner/Intervener/
Defacto Complainant
in CRL MP (MD) No.114 of 2023

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.107 of 2022.

For Petitioner : Mr.V.M.Jegadeesha Pandian,
Advocate

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

For Intervenor : Mr.S.Palani Velayutham, Advocate

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 465, 468, 419, 471 and 420 IPC in Crime No.107 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner is working as Sub Registrar in the Sub Registrar Office, Tenkasi. The alleged property is ancestral property belonging to one Gopalakrishnan Nadar. The de-facto complainant had purchased the said property. In the mean time, the accused Nos.1 and 2 have have fabricated the settlement deed in favour of the third accused and later, executed sale deeds in favour of the accused Nos.4 and 5 in the presence of the accused Nos.6 to 11



and the petitioner, who was the Sub Registrar, despite the objection raised by the de-facto complainant, had registered the documents. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that this is the second petition for anticipatory bail and the earlier petition was dismissed on 28.11.2022, since certain legal aspects were not put forth by the petitioner. He would submit that the petitioner being a statutory authority under the Registration Act, 1908, and as per Section 52 of the Registration Act, 1908, had performed his duty and had registered the documents presented by the other accused during the relevant period. He would further submit that the name of the person, who had presented the documents for registration and the persons found in the patta is one and the same, as Gopalakrishnan and thereby, the petitioner believing the same, had registered the documents. He would further submit that this case has been registered on 01.04.2022 based on the direction from the learned Judicial Magistrate and even after registration of the case, the petitioner has not absconded and he is still in service working as Sub Registrar in Pavoorchatram Sub Registrar Office. He would further submit that the entire case of the prosecution is borne out by documents and the petitioner is ready and willing to cooperate with the respondent in the investigation.

4.The learned Government Advocate (Crl.side) would submit that the accused, by fabrication of documents, have sold the property belonging to the de-facto complainant to several third parties and had created encumbrance on the property. However, he would further submit that the petitioner is continuously working as Sub Registrar in the Pavoorchatram Sub Registrar office.

5.The learned Counsel for the intervenor would submit that the petitioner, who is the sub Registrar, despite the objection given by the de-facto complainant not to register subsequent document, had registered the documents knowing full well that the other accused have impersonated and the de-facto complainant's grandfather and based on the fabricated patta, sold the property to third parties and he would object to grant bail.

6.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Tenkasi, Tenkasi District, 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 Magistrate 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 everyday at 10.30 a.m., until further orders.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/01/2023

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/02/2023

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

cmr

TO

1. THE JUDICIAL MAGISTRATE ,
TENKASI,
TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING POLICE STATION,
TENKASI DISTRICT.



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

+1 CC to M/s.JEGADEESHA PANDIAN.V.M , Advocate (SR-934[I] dated
23/01/2023)

ORDER

IN

CRL OP(MD) No.22562 of 2022

Date :20/01/2023

RK/VR/SAR-1 (31/01/2023) 4P/6C