



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

Date : 02/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP (MD) . No.22774 of 2022

WEB COPY

R.Ramasamy

... Petitioner/Accused No.8

Vs.

The state rep.by
The Inspector of Police,
City Crime Branch,
Madurai District.

Crime No.41 of 2020

... Respondent/Complainant

For Petitioner : MR.S.M.ANANTHA MURUGAN, Advocate for
M/s.P.Krishnaveni, Advocate.

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.41 of 2020 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.8, apprehending arrest at the hands
of the respondent police for the alleged offence punishable under
Sections 419, 420, 463, 465, 468, 471, 120B I.P.C, in Crime No.41
of 2020, on the file of the respondent police, seeks anticipatory
bail.

2. The case of the prosecution as per the defacto complainant
is that the total extent of property 3 acres 90 cents situated at
Chinthamani, Samanatham Village, Madurai District was registered
through sale deed Vide Doc.No.4786/2013 dated 14.03.2013 in favour
of his firm. Thereafter the defacto complainant decided to approach
the bank for getting a loan. So he had applied for patta transfer
for the sake of handover the documents to the bank. At that time
only, the defacto complainant came to know the fact that the said
Rajendran/Accused No.1 fraudulently executed a sale deed and sold 50
cents of land in Chinthamani Village in the abovesaid property to
one Sundara Mahalingam/Accused No.2 with the help of the other
accused and registered as Doc.No.5083/2013 dated 25.06.2013. In
addition to that, the accused No.1 has fraudulently cancelled the
sale deed Doc.No.4786/2013 through impersonation with the help of
other accused by forgery of his signature vide Doc.No.3881/2014
dated 10.06.2014. Based on the above information, FIR was
registered by the respondent police against 8 persons including the
petitioner herein, who was arrayed as A8. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been unnecessarily roped in in this case. He would further submit that the petitioner is presently working as the Assistant Inspector General in the Tamilnadu Registration Department at Tiruppur and at present he is under special auditing duty at Chennai. The petitioner has all along put in unblemished service in the Department. During 2014, he was working as Sub Registrar in Madurai South SRO Joint-I Office and during such time, he has registered the disputed document. He would further submit that the sub staff have after scrutiny placed the document for registration and believing the same, he has completed the process. Excepting that he has not committed any offence. The name of the petitioner does not find a place in the First Information Report and he is not a beneficiary to the transaction. The learned counsel would further submit that this is the second application for anticipatory bail and the earlier application was dismissed on the ground that the investigation is in the initial stage. He would further submit that now all the accused have been granted bail and the major part of the investigation is over. He would further submit that the petitioner is still in duty and the entire case of the prosecution is borne out by records and there may not be any requirement of custodial interrogation and the petitioner is ready to appear before the respondent and abide by any condition that may be imposed on him. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the allegation against the petitioner is that he being the Joint Registrar without verifying the encumbrance certificate had facilitated the other accused to impersonate and register a second sale for the property purchased by the defacto complainant firm on 25.05.2013. He would further submit that the other accused have been granted bail and the major part of the investigation is over. However, he would oppose for grant of bail.

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 and considering the fact that the petitioner is still in duty and the other accused have been granted bail and that major part of the investigation is over, 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 **Judicial Magistrate No.I, Madurai**, on condition that the petitioner shall



execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand) 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 Station everyday at 10.30 a.m., for a period of two weeks and thereafter, 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/-

02/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI
 - 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.VIDHYA, Advocate SR.No.334

ORDER IN

CRL OP(MD) No.22774 of 2022

Date :02/01/2023

CM

MK/SSS/SAR II(23.01.2023) 3P 6C

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