



WEB COPY



Crl.O.P.No.27542 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

Crl.O.P.No.27542 of 2024

M.Devendran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch I
Vepery, Chennai – 600 007

... Respondent

PRAYER : Criminal Original Petition filed under Section 438 of Cr.P.C., pleaded to grant Anticipatory bail to the petitioner in Crime No.182 of 2024 on the file of the respondent.

For Petitioner : Mr.Manjula M

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.182 of 2024 registered for the offences punishable under Sections 420, 465, 467, 468 and 471 IPC, the present petition has been filed seeking anticipatory bail.



Crl.O.P.No.27542 of 2024

2. On the complaint given by one Sathyapriya, District Registrar, South Chennai-35, alleging that certain false entries were made by way of insertion in the records of the SRO, Saidapet, in respect of properties in Survey Nos.166/1, 166/3 and 167/1 in respect of 4.62 cents, a case in Crime No.182/2024 came to be registered by the respondent Police for the offences punishable under Section 420, 465, 467, 468 and 471 IPC. During the course of investigation, it came to the light that one A1 Muthulingam along with his accomplices, viz., Ramaganesan (his brother), Deventhiran (driver) and one Varahi (journalist) have fabricated the documents and inserted them in the SRO's Office and thereby obtained false entries in the official records.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an agriculturist and a part time driver and he is also engaged in the business of real estate. He had entered into an agreement of sale on 17.11.2017 with one Muthulingam/A1 in respect of properties in survey Nos. 161/1, 166/3 and 167/1 of Urapakkam village, Chengleput taluk, measuring total extent of 4.62 acres. Later it was cancelled on 17.11.2020. The learned counsel would also submit that originally the lands belong to one Mrs.Girija, who had purchased the said property in the year 1961 and sold the same to one



Crl.O.P.No.27542 of 2024

Muthusamy, who in turn sold to one Mr.Muthulingam, who is A1, with whom, the petitioner herein, based on the sequence of documents, entered into an agreement of sale on 17.11.2017 to purchase the same, however, later, since the transactions could not be completed, the said agreement of sale came to be cancelled and thereby, the role of the petitioner came to an end by way of cancellation of the sale agreement and he did not commit any offence. The learned counsel would further submit that thus the petitioner is only being an agreement holder has nothing to do with the alleged offence and the petitioner is ready to co-operate with the respondent in the matter of investigation.

4. Mr.S.Santhosh, learned Government Advocate would submit that the investigation reveals that the petitioner is the driver of one Ramaganesan, who is the brother of A1/Muthulingam and the petitioner, at the instance of A1, had entered into a registered sale agreement in order to create encumbrance in respect of the subject property illegally. The investigation reveals that the property was purchased by one Girija in the year 1964 and 1969 and the original document are with the legal heirs of Girija. The petitioner though claims that he is only an agreement holder, investigation reveals that the petitioner himself on 02.07.2021 has given a letter to SRO seeking for index correction in respect of sale



CrI.O.P.No.27542 of 2024

agreement in the Document No.189 of 1987 and in the column of “request of index correction”, the petitioner had stated that the document was wrongly shown as mortgage deed instead of sale deed and that earlier document number was not inserted. Further, the petitioner had specifically claimed that he had purchased the property and he is the owner of the property. He would also submit that during the course of investigation, the signature of the petitioner found in the letter tallied with the signature found in the sale agreement and in subsequent cancellation deed. Further, A1 was arrested and he had confessed that the petitioner is an accomplice and he has also assisted them in the creation of fabricated document. He further submits that based on the inserted fabricated documents, the petitioner has also subsequently obtained information through RTI from the Registration Department in order to fortify their case, whereas all those documents were obtained based on fabricated document. The accused are land sharks who by taking advantage of absenti owners, used to indulge in creating fabricated documents and inserting them in the SRO office and thereby creating encumbrance and filing of collusive suits and thereby cause much inconvenience and loss to the original owners of the property. It is a case of tampering of official records which is a serious offence and thereby the custodial interrogation of the petitioner is very much required and he would seriously



Crl.O.P.No.27542 of 2024

object for grant of bail.

5. The learned counsel appearing for the intervenor/defacto complainant would submit that the properties were purchased by Mrs.Girija vide two documents in the year 1964 and 1969 and she was in continuous possession of the property and she died on 19.07.2004 and now the properties have devolved on her two children who are living in India and USA respectively. The accused, finding that the landlords are absent, created fabricated document and inserted in the SRO office and attempted to grab the property.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the documents filed by the defacto complainant.

7. In view of the submissions made by the learned Government Advocate (Crl.side) that the petitioner and other accused, who are the land grabbers and taking advantage of the absence of the original owners, used to indulge in fabricating the documents and inserting in the records of the concerned in the Offices of the Sub Registrars and thereby, creating encumbrance over the



Crl.O.P.No.27542 of 2024

properties illegally and in the present case, *prima facie* appears that the petitioner along with his accomplices, had indulged in fabricating the documents in respect of the subject property by fraudulently entering into an agreement of sale with A1, who is not the original owner while one Mrs.Girija was the original owner and had inserted in the records of the SRO and tampered with records this Court finds it is not a fit case for grant of advance bail. Further, it is reported that the investigation is still pending and the petitioner is required for the purpose of custodial interrogation, this Court is not inclined to entertain the present petition for grant of anticipatory bail.

8. Accordingly, this Crl. Original Petition is dismissed.

19.12.2024

rst



CrI.O.P.No.27542 of 2024

WEB COPY

To

- 1.The Special Court for CCB/CBCID/
Metropolitan Magistrate Court,
Egmore, Chennai-600 008
- 2.The Inspector of Police,
Central Crime Branch-I,
Vepery, Chennai-600 007.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.27542 of 2024

A.D.JAGADISH CHANDIRA., J.

rst

Crl.O.P.No.27542 of 2024

19.12.2024