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Crl.O.P.No.27813 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27813 of 2024

P.R.Senthamarai

.... Petitioner

Vs

State by
The Inspector of Police,
CCB, Salem City,
Salem.

(Cr.No.32 of 2024)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 32 of 2024 pending on the file of the respondent police.

For Petitioner	:	Mr.C.Prakasam
For Respondent	:	Mr.Santhosh
		Government Advocate (Crl.Side)
For Intervenor	:	Mr.C.Rajakumar

ORDER

Apprehending arrest in connection with Crime No.32 of 2024 registered for the offences punishable under Sections 468, 471, 420 and 120(B) of IPC r/w.82(d) of Registration Act, the present petition has



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been filed seeking anticipatory bail.

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2. The case of the prosecution is that the defacto complainant one Dharmalingam, who is the Managing Trustees of Arulmighu Anjaneya Swamy Temple, Salem, lodged a complaint, stating that his step brother one Jayachandran/A2 is collusion with the petitioner, who is the Joint Sub Registrar – III, Salem West and along with other accused, by means of fabrication of documents, sold the property, which belongs to the said temple, thereby, grabbed the land belonging to the temple. Hence, this case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner was a Sub Registrar and during the relevant time, the petitioner was not aware of the pending litigation or the orders passed by this Court. He would further submit that there was a dispute between the trustees of the temple and their relatives and that based on a bonafide belief, the documents presented for registration was legitimate and the petitioner was allowed to register the document.



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4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioner, who was the SRO during the relevant period, despite the orders passed by this Court and being aware of the ban in transferring the property, permitted the accused to register the document, being well aware that there was a Court order. He would further submit that the statement of Mathesh, Office Assistant, has been recorded and he has stated that the SRO received a notice from the Court on 20.09.2023. Despite the Court order, the petitioner allowed the registration of the property. He would further submit that the petitioner has one previous case pending against him in Crime No.7 of 2022. He would submit that despite the orders of the Civil Court, the petitioner wilfully permitted the other accused to register the deed.

5. Mr.Rajakumar, learned Intervenor appearing for the defacto complainant submitted that the petitioner is knowing well that the case was pending and had obtained an undertaking from the other accused and allowed them to register the document.



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6. Considering the facts and circumstances of the case, including the pendency of the suit, despite the knowledge and permitted the other accused to register the document and also the fact that the petitioner has seven previous cases pending against him, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

09.12.2024

Index : Yes/No
Internet : Yes/No
Lpp

To

1.The Inspector of Police,
CCB, Salem City,
Salem.

2.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J,

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