



CRL OP(MD)No.5994 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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A.Sabitanand Saha (Sarzan)

... Petitioner/ Accused 5

Versus

The State through represented by
The Inspector of Police,
CCB Madurai City,
Madurai District.
[Crime No.2 of 2022]

...Respondent/ Complainant

For Petitioner : Mr.H.MOHAMMED IMRAN

for M/s.Ajmal Associates

For Respondent : Mr.T.ANTONY SAHAYA PRABAHAR

Additional Public Prosecutor

For Intervenor : Mr.M.PALANI, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.02 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.02 of 2022 for the offence under Sections 419, 420, 465, 467, 468, 471 and 447 of IPC and remanded him into judicial custody on 14.03.2024. Therefore, the petitioner has filed

<https://www.mhc.tri.gov.in/judis>



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this petition seeking bail.

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2.The petitioner is the son of the de-facto complainant. His father is having a property to an extent of 6.5 cents in Plot No.88 Anbalagan Nagar, Ayan Papakudi Village, Madurai South Taluk. The petitioner's father is said to have purchased this property through a registered sale deed dated 03.09.1984. When he verified with the encumbrance certificate in the year 2020, he found that the above said property was alienated in favour of one Mariammal by way of registered document on 28.01.2020 before the Joint Sub Registrar – IV, Madurai. Therefore he has lodged a complaint before the respondent Police. The respondent Police has also registered the same on 06.01.2022 and arrested the petitioner on 14.03.2024.

3.The learned Counsel for the petitioner submits that only based on the confession statement of the one Vikram, the petitioner has been arrested in this case. The said Mariammal, who purchased the property by impersonation filed a suit in the year 2020 itself, wherein she pleaded that from Anadhisha, she got the document registered and she has not mentioned any involvement of the petitioner. The said Mariammal is the sister of a Sub-Registrar and she managed to delete her name in the FIR as if she is a bonafide purchaser. She did not lodge any complaint against others. She did not intervene in the bail application filed by the said Vikram. It is a story cooked upon by her, in order to escape from the allegation by pressurising the de-



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facto complaint to leave the property.

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4.The learned Counsel further submits that the main accused Vikram was released on bail by the Principal Sessions Court, Madurai in CrIMP(MD)No.808 of 2024 on 08.02.2024. The petitioner, who is implicated through the confession statement of the said Vikram is languishing in jail for the past 40 days.

5.The learned Additional Public Prosecutor appearing for the respondent Police submits that the petitioner is the main person, who has staged the entire show. He along with the said Vikram has arranged a person as if his father, forged the identity cards and registered the document by impersonating his father. He further submits that the person, who has impersonated the de-facto complainant is yet to be secured. The petitioner and other accused are from State of Bihar, if he is released on bail it would be very difficult to secure him and also the other accused.

6.One Mr.Palani, learned counsel has filed an intervening petition on behalf of one Mariammal that the said Mariammal is the victim in this case. According to her, this petitioner is the mastermind for the offence, he only produced the person in the name of his father for executing the document and also he created forged identity cards. She believing the words of the petitioner has purchased the property, now has lost the money and also undergone the mental agony since she was also implicated as an accused in this case. Now her name has been deleted from the FIR. He further



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submits that the accused are very influential persons and the respondent Police have not acted upon the complaint initially. Only on the directions of this Court in CrIOP(MD)No.643 of 2024 dated 12.01.2024, the investigation is progressing and the accused were arrested.

7.This Court considered the rival submissions and perused the materials placed on record.

8.The property belonging to the de-facto complainant was sold by way of a registered sale deed dated 28.01.2020. The de-facto complainant has identified this fraud and lodged the complaint on 13.08.2020, but it was not acted upon. The case was registered only on 06.01.2022. FIR itself discloses that the complaint forwarded by the Commissioner of Police on 28.09.2020 was acted upon after two years by registering the case. Even after the registration of complaint, the police have not acted upon and only on the direction of this Court in CrIOP(MD)No.643 of 2024, the accused have been arrested.

9.From the submission of the learned Additional Public Prosecutor and the victim, it appears that the entire episode is played by this petitioner. The petitioner is the resident of Bihar. From Bihar he has arranged a person, as if his father, handed over the original documents and the revenue documents pertaining to the de-facto complainant, made the victim to believe that the entire transaction is a genuine one



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and registered the document. On the complaint of the de-facto complainant, the District Registrar has conducted an enquiry verifying the CCTV footage and has cancelled the documents registered on 24.01.2020.

10. Though the case was registered on 06.01.2022, the person who has impersonated is yet to be apprehended by the respondent Police. As stated by the learned Additional Public Prosecutor, through the petitioner only, the person who has impersonated the de-facto complainant, can be identified.

11. In order to prevent the fraud in the registration, the Government is adopting various measures including the verification of parties through their identity cards and photographs and also taking photographs of the parties in the Sub-Registrar office. Therefore, without fake identity cards, it is not possible to register the document on 24.01.2020. The Sub-Registrar is also having responsibilities in identifying the parties before registration. The petitioner has taken a plea that the said Mariammal, who purchased the property is the sister of a Sub-Registrar. Therefore, the role of the said sub-registrar in registering the document also needs to be investigated.

12. The petitioner and the other accused have boldly shaken the system by creating the forged identity cards, impersonating the de-facto complainant his own father.



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13. Considering the gravity of the offence, the manner in which the investigation is progressing and stage of the investigation, this Court is not inclined to grant bail to the petitioner. Further, this Court is of the view that the investigation in this case has been deliberately delayed by the Central Crime Branch, Madurai city, which needs to be enquired by the Commissioner of Police.

14. In the result, this criminal original petition is dismissed.

sd/-
24/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO
1 THE INSPECTOR OF POLICE,
CCB MADURAI CITY,
MADURAI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

COPY TO:
THE COMMISSIONER OF POLICE,
MADURAI.



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+1 cc to M/s.AJMAL ASSOCIATES, SR.No.22362 (F) DT.25/04/2024

ORDER IN
CRL OP(MD) No.5994 of 2024
Date :24/04/2024

SA/JGB/SAR. /26.04.2024/7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.