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Crl.O.P.No.110 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-02-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 110 of 2025

1. Balaji G
2. Sundar Murugan ...Petitioners/A6 & A7

Vs.

The State Rep. by
The Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
(Crime No.436 of 2023) ...Respondent/Complainant

M.Govindarajan ... Defacto complainant

*[Permitted to intervene vide order of this Court [SMJ] dated 21.02.2025
made in Crl.M.P.No.1010 of 2025 in Crl.OP.No.110 of 2025]*

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023,
to enlarge the petitioner on bail in the event of his arrest in Crime No.436
of 2023 on the file of the respondent police.

For Petitioner : Mr.N.Baskaran
for Mr.K.Mukund Rao

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

For Intervenor : Mr.Charles Muthu Santhan



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ORDER

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2. The case of the prosecution is that A1 introduced the defacto complainant to A5, A8 and A9; that the defacto complainant wanted to purchase a property and A8 impersonated as the original owner, conspired with other accused, sold the property and received the sale consideration of Rs.30 Lakhs; that the sale deed was executed and registered on 22.11.2019; that when the defacto complainant wanted to sell the property in the year 2020, the Sub Registrar refused to register saying that the parent documents are forged. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners were working as the Sub Registrar and the Assistant in the Registrar's office and that when the first registration took place, A7 was incharge of the Sub Registrar's office and when the second registration took



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place, A6 was in-charge of the Registrar's office and they have not conspired with each other and in any case they are not party to the conspiracy with the other accused and submitted that custodial interrogation is not required, and prayed for anticipatory bail to the petitioners.

4. The learned counsel for the defacto complainant submitted that the petitioners had knowledge of the fact that the other accused were registering a bogus sale deed by impersonation and that when the defacto complainant wanted to sell, they refused to register the same, which clearly reveals their knowledge and complicity in the offence. The learned counsel further pointed out that around the same time, the petitioners have registered several other documents, and some of the documents registered were cancelled and hence, custodial interrogation is required.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the other accused/A4 & A5 who are beneficiaries in the transaction were arrested and



released on bail. He would further add that the investigation so far revealed that the petitioners were not financially benefited in the transaction.

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6. The learned counsel for the petitioner in response submitted that earlier an FIR was registered and there was a compromise arrived at between the other accused and the defacto complainant; that the petitioners were not shown as an accused; that pursuant to the compromise a portion of the amount was given to the defacto complainant; and that the instant complaint is an afterthought as against the petitioners.

7. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and the learned counsel appearing for the Intervenor/defacto complainant

8. Considering the fact that the occurrences took place in the year 2019 and 2021, the nature of allegations against the petitioners, who were officials in the Registration Department, the nature of dispute between the defacto complainant and the other accused and the fact that there was a compromise between the other accused and the defacto complainant earlier,



this Court is of the view that custodial interrogation is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate, Sriperumbudur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 said Magistrate, on further condition that:

- [a] 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 petitioners shall report before the respondent Police, daily at 5.30 p.m., for a period of two weeks and thereafter, as and when required for interrogation;



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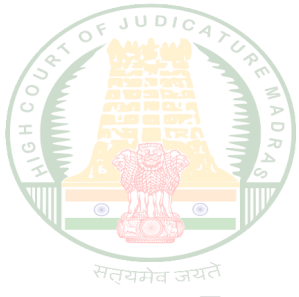


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- [c] the petitioners shall not abscond either during investigation or trial;
- [d] the petitioners shall not tamper with evidence or witness either during investigation or trial;
- [e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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*** reported in [(2005)AIR SCW 5560];
- [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.02.2025

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SUNDER MOHAN, J.

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To

- 1.The Inspector of Police,
Madurantakam Police Station,
Chengalpattu District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
- 3.The Judicial Magistrate No.I,
Madurantakam.

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