



WEB COPY



Crl.O.P.No.665 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.03.2025

PRONOUNCED ON : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.665 of 2025

P.R.Senthamarai

... Petitioners/Accused

Vs.

State Rep. by
The Inspector of Police,
CCB, Salem City.
[Cr.No.32 of 2024]

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.32 of 2024, on the file of the respondent police.

For Petitioners : Mr.Vivekanandan
for Mr.Akash.

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

For Intervenor : Mr.C.Rajakumar



Crl.O.P.No.665 of 2025

ORDER

WEB COPY

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420 and 120(B) of IPC r/w Section 82(d) of the Registration Act, in Crime No.32 of 2024, seeks anticipatory bail.

2. Though the earlier bail petition of the petitioner was dismissed on 09.12.2024 by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The case of the defacto complainant who is the Managing Trustee of Arulmigu Anjaneya Swamy Temple, Salem, is that his step brother Jeyachandran/A2 in collusion with the petitioner, who is the Joint Sub Registrar, Salem and other accused by means of fabrication of documents, sold the property which belonged to the temple and thus committed the aforesaid offences. Hence, the case.



WEB COPY

4. (i) The learned counsel for the petitioner would submit that the petitioner is arrayed as first accused, who was the Sub Registrar at

the relevant point of time; that she has nothing to do with the alleged forged sale deed executed in favour of A2; and that the earlier application for anticipatory bail in Crl.OP.No.27813 of 2024 filed by the petitioner was dismissed on 09.12.2024 on the ground that the petitioner had two previous cases in Cr.Nos.6 of 2024 and 7 of 2024 for similar offences; and that she had allowed the execution of the sale deed in spite of the specific direction of this Court not to register the property.

(ii) The learned counsel further submitted that certain vital facts were not brought to the notice of this Court, when the first application was considered, viz.,

(a) the earlier complaint in Cr.No.7 of 2024 against the petitioner was closed as the parties had arrived at a settlement and in Cr.No.6 of 2024, the petitioner was not arrayed as an accused in the FIR and was implicated only on the confession of the co-accused.

(b) that there was no restraint order from this Court preventing her



Crl.O.P.No.665 of 2025

from accepting the document for registration.

WEB COPY

(iii) The learned counsel also submitted that there is a circular issued by the Inspector General of Registration, Chennai, dated 12.07.2024 which directed the Sub Registrars not to refuse registration unless there is a restraint order by the Court; and that the above facts were not placed before this Court, when the earlier bail application was considered.

5. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions fairly submitted that there was no restraint order by any Court and only a notice was issued; that the case in Cr.No.7 of 2024 filed against the petitioner was closed, as the parties settled the matter amongst themselves; and that in the other case i.e., Cr.No.6 of 2024, the petitioner was not arrayed as an accused in the FIR, but was implicated on the confession of the co-accused and that the investigation in the said case is pending.



WEB COPY

6. The allegation against the petitioner is that in collusion with the other accused she had permitted registration of the sale deed of the property belonging to the defacto complainant. Though, the 1st anticipatory bail of the petition was dismissed on 09.12.2024, the petitioner was not arrested by the respondent so far.

7. The petitioner is a lady aged about 59 years. The allegations against her are borne out by records. The fact that there is no order restraining the petitioner from registering the documents was not brought to the notice of this Court earlier. The circular of the Inspector of General, Chennai pointed out by the learned counsel for the petitioner makes it clear that unless there is a restraint order from the Court, the Sub Registrars cannot refuse registration. In any case, the question as to whether the petitioner had intentionally registered the document is for the trial Court to consider on the basis of the evidence adduced. The previous case against the petitioner also was closed as settled in Cr.No.7 of 2024.

8. Hence, considering the aforesaid facts, this Court is of the view



that custodial interrogation of the petitioner is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioner on certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.II, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** 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 twice in a week i.e., on Monday and Thursday at 10.30 a.m., until further orders.



WEB COPY



CrI.O.P.No.665 of 2025

[c]the petitioner shall not tamper with 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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

20.03.2025

ars



WEB COPY



CrI.O.P.No.665 of 2025

SUNDER MOHAN., J.

ars

To

- 1.The Judicial Magistrate No.II, Salem.
2. The Inspector of Police,
CCB, Salem City.
3. The Public Prosecutor,
High Court of Madras.

Pre-delivery order in
CrI.O.P.No.665 of 2025

20.03.2025