



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION Nos.10540, 10551 & 10689 of 2022

1 SIVAMURTHY [PETITIONERS / ACCUSED
2 VIJAYAKUMAR IN CRL.O.P.No.10540/2022]

ARUNPRAKASH [PETITIONER / ACCUSED
IN CRL.O.P.No.10551/2022]

R.MURUGESAN [PETITIONER / ACCUSED
IN CRL.O.P.No.10689/2022]

Vs

STATE REP. BY
INSPECTOR OF POLICE [RESPONDENT
CRIME BRANCH C.I.D-NORTH, IN ALL THE PETITIONS]
TIRUVANNAMALAI
CRIME NO.1 OF 2022.

For Petitioners : MR.N.R.ELANGO, Senior Counsel for
M/S.A.S.ASWIN PRASANNA Advocate
[IN ALL THE PETITIONS]

For Respondent : MR.J.SUBBIAH, Govt. Advocate (Crl. Side)
[IN ALL THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Section 166, 167, 120(B) & 420 IPC in Crime No.1 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.



3. The gist of the allegations made in the First Information Report is that on the basis of request made by the farmer's association and the request received by the District Collector, the Tamil Nadu Civil Supplies Corporation, Head Office, Chennai - 10, granted permission for direct procurement of paddy for KMS 2020-2021, directly from farmers on their production of patta, chitta or Village Administrative Officer's certificate and also to give incentives to the farmers. Some private individuals, with a view to gain unlawful monetary benefit, purchased paddy from farmers at low price and with the support of staffs employed in Direct Purchase Centre at Tiruvannamalai, sold the paddy. The staffs, without properly verifying the land ownership details of sellers, procured paddy and deprived the right, fair price and incentive to the farmers. In the process, they caused huge loss to the Government. Hence, the complaint.

4. Learned counsel for the petitioners submitted that the petitioners in these cases are only Merchants and they might have earned a little profit, but they have paid fair price to the farmers. He further submitted that buying paddy from the farmers and selling it to Tamil Nadu Civil Supplies Corporation through Direct Purchase Centre, may be an irregularity but not illegality. Stating that there is no loss caused to the Government, learned counsel for the petitioners prayed for granting anticipatory bail to the petitioners.

5. A detailed counter affidavit was filed by the respondent and it is submitted by the learned Government Advocate on the basis of the counter affidavit that the scheme for direct procurement from farmers was introduced only with a view to benefit the farmers. During Karif Marketing Season (KMS) 2020-2021 between 01.10.2020 and 30.09.2021, the price was fixed at Rs.1,888/- per quintal for Grade - A variety and Rs.1,868/- per quintal for common variety of paddy. That apart, an incentive of Rs.70/- per quintal for Grade - A variety and Rs.50/- per quintal for Common variety of paddy was granted above the minimum support price fixed by the Government of India. The Tamil Nadu Civil Supplies Corporation (hereinafter referred as TNCSC), Tiruvannamalai Region Officials, colluding with the merchants, procured paddy through various Direct Procurement Centres for obtaining illegal pecuniary benefits. Petitioners in Crl.O.P.No.10581 of 2022 and Crl.O.P.No.10689 of 2022 sold paddy in their name at various Direct Procurement Centres to the tune of Rs.28,64,059/- and Rs.22,96,386/-. It is further submitted that the petitioners are not having that much of agricultural land, but colluding with Village Administrative Officers of concerned villages, obtained forged land records and certificates as if they have cultivated paddy from their lands. By using such forged documents and certificates, petitioners sold the paddy and obtained higher rates given by the Government to the farmers. Thus, the petitioners have obtained huge unlawful



monetary benefit in conspiracy with TNCSC officials. Therefore, the learned Government Advocate vehemently opposed for granting anticipatory bail to the petitioners.

6. Considered the rival submissions. It is seen from the submissions that the petitioners purchased huge quantity of paddy from farmers at low price and sold to Direct Procurement Centres of TNCSC in collusion with TNCSC officials and gained wrongfully. It is submitted that at the relevant point of time, the open market price for paddy per quintal was Rs.1,000/-. However, the Government paid Rs.1,958/- per quintal for Grade - A variety and Rs.1,918/- per quintal for Common variety of paddy which included the price of paddy and incentive to the farmers. There is no material available as of now as to the price paid by the petitioners to the farmers.

7. It is submitted by the learned counsel for the petitioners that selling paddy to merchants / petitioners by the farmers, due to Covid - 19 situation during October 2020 - September 2021, cannot be considered as illegal. This submission of the learned counsel for the petitioners cannot be accepted for the reason that the price fixed by the Government and the incentive offered by the Government is meant only for the farmers. The farmers cannot simply sell the paddy to the Direct Procurement Centres. They have to produce the patta, chitta or the Village Administrative Officer's certificate to show their ownership of the land in which paddy was cultivated for claiming the paddy price and the incentive fixed by the Government.

8. It is seen from the records that the petitioners have directly sold the paddy after purchasing it from individual farmers, showing that they cultivated paddy in their lands by fabricating records. In this process, it is claimed that the petitioners caused huge loss to the Government. This first information was registered only on 04.04.2022 and investigation is at preliminary stage. No name is mentioned in the First Information Report. However, it is informed by the learned Government Advocate that the petitioners have involved in the illegal act of purchasing the paddy from farmers at low price and then selling it to Direct Procurement Centres of TNCSC.

9. Considering the nature of allegations made against the petitioners and the TNCSC Officials, and also the fact that the investigation is at the preliminary stage, this Court is of the considered view that the petitioners are not entitled for grant of Anticipatory Bail.



10. In this view of the matter, these petitions are dismissed.

-sd/-
06/05/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUVANNAMALAI

2 THE INSPECTOR OF POLICE
CRIME BRANCH C.I.D-NORTH,
TIRUVANNAMALAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.S.ASWIN PRASANNA Advocate on payment of necessary charges

CRL Ops.10540,10551 & 10689/2022

Date :06/05/2022

JPA 17/05/2022