



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15024 of 2022

1 M.PROMOTH KUMAR
2 KRISHNAMOORTHY

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
VELLORE DISTRICT
CRIME NO.1 OF 2022

[RESPONDENT]

For Petitioner : M/S.DURAI KANNAN Advocate

For Respondent : MR.A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 02.06.2022 for the offences punishable under Sections 166, 167, 420 & 120(B) altered into Sections 166, 167, 420, 465, 467, 468, 471, 409 & 120(B) of IPC in crime No.1 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that during 01.10.2020 to 30.09.2021, the officers who worked in the TNSCS, Vellore & Tiruvannamalai Regional Office and the staff who worked in the direct paddy procurement centers, in collaboration with individuals, procured paddy at the direct paddy procurement centers without proper scrutiny. The defacto complainant i.e. Regional Manager, Tamilnadu Civil Supplies Corporation, Vellore Region had lodged a complaint against all TNCSC Vellore Regional Office Officers and Staff related to paddy procurement to take appropriate action against them, who had cheated the Government by not implementing the Government scheme properly for personal gain and misuse of the state scheme and causing loss to the state by not giving subsidy to the farmers. It is further alleged that the petitioners had acted as mediators and colluded with staff related to paddy procurement, Vellore Region and procured the paddy without following the guidelines of the Tamilnadu Consumer Goods Corporation.



3. The learned counsel for the petitioners seeks permission of this Court to withdraw the petition in respect of the first petitioner and he has also made an endorsement to that effect. Insofar as the second petitioner, he would submit that the second petitioner is only working under the first petitioner and as such he has been implicated in this case. He would further submit that the respondent police did not follow the guidelines of the Hon'ble Supreme Court of India "that arrests should be an exception, in cases where the punishment is less than seven years of imprisonment. The guidelines asked the police to determine whether an arrest was necessary under the provisions of Section 41 of the Criminal Procedure Code". But the respondent police not even summoned or enquired the petitioners regarding the alleged occurrence. He would further that in similar case, the Regional Officer was also granted bail. Therefore, he prayed for grant of bail to the second petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the present case has been registered with regard to the malpractices and irregularities committed by the officials of Tamilnadu Civil Supplies Corporation (hereinafter called as TNCSC), Vellore Region in the procurement of paddy through direct purchase centres in Vellore and Ranipet Districts in collusion with private merchants by violating the procurement procedures and the guidelines issued by the TNCSC during the procurement period (Kariff Marketing Season) 2020-2021 between 01.10.2020 to 30.09.2021. The Government of Tamilnadu provided facilities to the farmers of Thanjavur, Nagapattinam and other Districts of Tamilnadu for the purpose of purchasing paddy from the farmers so as to facilitate them in disposing of the paddy cropped by them. Simultaneously, the Government has instructed and also issued guidelines in a manual on Paddy Procurement from the above districts directly from the farmers those who are having cultivating lands. Accordingly, the Government of Tamilnadu have fixed minimum support price for paddy at Rs.1,888/- per quintal for grade A variety and Rs.1,868/- per quintal for common variety of paddy. The Government of Tamilnadu by considering the welfare of the farmers and in order to avoid any distress in the sale of paddy by farmers, have decided to grant an incentive of Rs.70/- per quintal for Grade A variety and Rs.50/- per quintal for common variety of paddy. The petitioners and other accused persons have colluded with the officials of TNCSC of Vellore Region and fabricated the forged land documents and certificates as if they cultivated paddy and had sold at various direct purchase centres to the tune of Rs.4 crores and received incentives as if they are cultivators. Though the second petitioner is an employee of the first petitioner, the first petitioner in the name of his entire family members and the second petitioner, sold paddy and obtained higher rates to the paddy from the Government and also received incentives. They colluded with the officials of TNCSC and given huge sum of commission to them. Further, if the paddy would have been procured from small farmers,



they would have been benefited the minimum support price fixed by the Central Government with the incentives offered by the State Government per quintal ranging from Rs.50/- to Rs.70/-. The paddy rate was different between direct purchase centers and open market ranging from Rs.700/- to Rs.850/-. In direct purchase centers, it is Rs.1958/- per quintal; whereas in open market, it is Rs.1,100/- only. Therefore, the petitioners gained more amount per quintal. He would further submit that insofar as the second petitioner, bills were raised to the tune of Rs.46,07,916/-.

5. In this regard, the learned Additional Public Prosecutor also relied upon the judgment in the case of Nimmagadda Prasad Vs. Central Bureau of Investigation rendered in Crl.A.No.728 of 2013 dated 09.05.2013, wherein the Hon'ble Supreme Court of India held that while granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. Further held that the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. Though arrested accused are incarcerating some period of time, considering the serious offence committed by them and also the reason there are poor farmers affected by the accused persons, therefore this Court is not inclined to grant bail.

6. Accordingly, the criminal original petition in respect of the first petitioner is dismissed as withdrawn and the criminal original petition in respect of the second petitioner is dismissed.

-sd/-

29/06/2022

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 SUPERINTENDENT,
CENTRAL PRISON, VELLORE

2 THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.DURAI KANNAN Advocate on payment of necessary charges

CRL OP.15024/2022

Date :29/06/2022

RVR 05/07/2022