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Crl.OP.Nos.19370 and 19371 of 2022

Crl.O.P.Nos.19370 and 19371 of 2022

RESERVED ON : 27.09.2022

DELIVERED ON : 13.10.2022

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police, for the offence punishable under Sections 166, 167, 120B and 420 of IPC, in Crime No.1 of 2022, seek anticipatory bail.

2. The case of the prosecution is related to, malpractices and irregularities committed by the officials namely the Regional Managers and Procurement Officers and staffs/petitioners of the Tamil Nadu Civil Supplies Corporation (herein after called as TNCSC), Tiruvannamalai Region, in the procurement of paddy through Direct Purchase Centres in Tiruvannamalai District in collusion with private persons/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 and 30.09.2021. On the complaint received from the Regional Manager of the TNCSC, Tiruvannamalai, the respondent registered the FIR in Crime No.1 of 2022 for the offence under Sections 166, 167, 420 and 120(B) of IPC. During the course of investigation, after recording the statements from the witnesses,



offences were altered into one under Sections 166, 167, 420, 465, 467, 468, 471, 409 and 120(B) IPC.

3. The learned counsel for the petitioners would submit that the petitioner in Crl.O.P.No.19370 of 2022 is concerned, he is working as a Superintendent in Regional Office of the Tamil Nadu Civil Supplies Corporation in Thiruvannamalai for the past 2 ½ years. His duty is taking delivery of food items from Food Corporation of India by paying the amount for dispatching the items to PDS godowns in Thiruvannamalai District. He was given additional charge of nine paddy purchase centers in five Taluks of Thiruvannamalai District. Insofar as the petitioner in Crl.O.P.No.19371 of 2022 is concerned, he was working as Superintendent of Amudham Super Markets and Ration shops and his main office is at the Regional Office of Tamil Nadu Civil Supplies Corporation, Tiruvannamalai. He was looking after Amudham Super Markets Chengam, Arni, Vandavasi and Cheyyar and also 3 ration shops at Cheyyar. He was given additional charge of 10 Paddy purchase centers in five Taluks of Thiruvannamalai district functioning under the Tamil Nadu Civil Supplies Corporation.

4. He further submitted that the prosecution alleged that in the



Kharif Season 2020-2021, under the Paddy procurement scheme of the Central

Government direct paddy purchase centers were opened in Thiruvannamalai District, for the period from 01.10.2020 to 30.09.2021. While purchasing paddy, for the benefits of some individual persons, paddy bags were purchased from private persons and thus caused loss to the Government. However, there is no specific allegations as against the petitioners. The petitioners were already granted interim protection by this Court in which, this Court granted interim protection on condition that they shall appear before the respondent on receipt of a notice under Section 41A of Cr.P.C, for enquiry. Accordingly, they were issued notice and they appeared before the respondent for enquiry along with other accused persons. However, there is no material to implicate the petitioners as accused in the present case. The respondent filed a counter and on the strength of the counter, this Court dismissed the earlier anticipatory bail petitions. He further submitted that in order to surrender before the concerned Court, the petitioners filed copy application before the learned Judicial Magistrate No.I, Thiruvannamalai, praying for certified copies of FIR in Crime No.1 of 2022, certified copies of alteration report in Crime No.1 of 2022 and certified copies of the complaints and statements of the petitioners. However, it was returned for the reason that no alteration report has been sent to the learned



Judicial Magistrate No.I, Thiruvannamalai. However, the respondent submitted before this Court that the FIR was already altered into offences under Sections 166, 167, 420, 465, 467, 468, 471, 409 and 120B of IPC and it was already sent to the learned Judicial Magistrate No.I, Thiruvannamalai. Therefore, the custodial interrogation of the petitioners does not require and prayed for grant of anticipatory bail to the petitioners.

5. In this regard, this Court called for a report from the learned Judicial Magistrate No.I, Thiruvannamalai. The learned Judicial Magistrate No.I, Thiruvannamalai, submitted that the complaint and FIR in Crime No.1 of 2022 are available on record and also had sent a certified copies of the same to this Court. However, it does not disclose whether an alteration report had been filed or not.

6. On a perusal of the counter affidavit filed by the respondent, it is revealed that the Government of Tamil Nadu provided facilities to the farmers for the purpose of purchasing paddy from the farmers so as to facilitate them in disposing of the paddy cropped by them. In this regard, the Government of Tamil Nadu has issued instructions and also issued guidelines in a manual on



paddy procurement from the farmers directly those who are having cultivating lands. As per the guidelines, the minimum support price for paddy is at Rs.1,888/- per quintal for Grade-A variety and Rs.1,868/- per quintal for common variety of paddy. The Government of Tamil Nadu, also considering the welfare of the farmers and in order to avoid any distress in the sale of paddy, have decided to grant an incentive of Rs.70/- per quintal for Grade-A and Rs.50/- per quintal for common varieties of paddy.

7. While that been so, the officials/petitioners of TNCSC, Tiruvannamalai Region, colluded with the private merchants, fabricated and forged the land documents and certificates as if they are farmers, who cultivated paddy and had sold out the paddy at several Direct Purchase Centres to the tune of huge sum of amount. All the merchants have no land to cultivate any crops and they raised bills in the name of merchants and their family members as if they have cultivated paddy from their respective agricultural land and supplied to TNCSC.

8. In fact, on collusion with the merchants, without even supplying



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the paddy to the Direct Purchase Centres, they brought the paddy directly to the storage godowns, which is under the control of the TNCSC and the officials of TNCSC received huge sum as commission from the merchants.

9. The counter affidavit filed by the respondent also revealed that the specific overtacts of the each petitioner herein which is as follows;-

Sl.Nos.	Petitioners/accused's name & Crl.O.P.Nos.	Overtacts of the petitioners/accused
1.	S.Arulmozhi Crl.O.P.No.19371 of 2022	He was working as Procurement Officer/Superintendent in TNCSC, Tiruvannamalai, during the period of allegation and who was in-charge of 13 DPCs and procured paddy to the tune of Rs.27,50,61,609/-[Twenty Seven Crores Fifty Lakhs Sixty One Thousand Six Hundred and Nine] against the total procurement of Rs.235 crores in the Region by obtaining Rs.80-150 per bag [40 Kgs] from the merchants as commission and the same was shared with the other officials/petitioners who were all responsible for paddy procurement. Thereby, the said S.Arulmozhi received several lakhs of Rupees as commission.
2.	Basker Crl.O.P.No.19370 of 2022	He was working as Procurement Officer/Superintendent TNCSC,



	Tiruvannamalai during the period of allegation and who was in-charge of 10 DPCs and procured paddy to the tune of Rs.29,10,32,246/-[Twenty Nine Crores Ten Lakhs Thirty Two Thousand Two Hundred and Forty Six] against the total procurement of Rs.235 crores in the Region by obtaining Rs.80-150 per bag [40 Kgs] from the merchants as commission and the same was shared with the other officials/petitioners who were all responsible for paddy procurement. Thereby, he received several lakhs of Rupees as commission.
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10. The TNCSC issued a manual on paddy procurement and circulars in which some of the guidelines are extracted herein under,

“(i) The Government of Tamil Nadu provided facilities to the farmers of the 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. TNCSC is entrusted with this procurement of such paddy from the farmers in the capacity of an agent of Tamil Nadu Government.

(ii) The Government of India have fixed minimum support price for paddy for the KMS 2020-2021 (between 01.10.2020 and 30.09.2021) at Rs.1,888/- per quintal for



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Grade-A variety and Rs.1,868/- per quintal for Common variety of paddy.

(iii) The State Government by considering the welfare of the farmers and in order to avoid any distress in the sale paddy by the farmer, 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 during the KMS 2020-2021 and above the minimum support price fixed by the Government of India.

(iv) The State Government have decided and fixed the minimum support price as Rs.1,958/- per quintal for Grade-A variety and Rs.1,918/- per quintal for Common variety of Paddy by giving incentive of Rs.70/- per quintal for Grade-A variety and Rs.50/- per quintal for Common variety of paddy during the KMS 2020-2021.”

11. That apart, the merchants never possessed any agricultural land to do agriculture viz., to cultivate the paddy crop. However, they colluded with the officials/petitioners and prepared forged land records and certificates as if they cultivated and sold the paddy at Direct Purchase Centres. They generated bills in the name of the accused/petitioners and they had sent the paddy directly to the storage godowns without entering into the Direct Purchase Centres as directed by the officials of TNCSC. If the paddy would have been procured from small farmers, they would have been benefited from the minimum support price fixed by the Central Government with the incentives offered by the State Governments for quintal ranging from Rs.50 to 70. Further, the price of the paddy was different between the Direct Purchase Centres and open market



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ranging Rs.700 to 850. In the Direct Purchase Centres per quintal is Rs.1958/- whereas in open market it ranges from Rs.1100/- only. Therefore, all the accused persons gained over the difference amount. The private merchants have purchased paddy from the farmers in retail from the surrounding areas for very lower price and sold the same at higher price through the Direct Purchase Centres.

12. It is seen that the respondent altered the FIR into offences under Sections 166, 167, 420, 465, 467, 468, 471, 409 and 120B of IPC in Crime No.1 of 2022. Whether it was forwarded to the learned Magistrate or not is not the matter for the petitioners to surrender before the concerned Court. Really if the petitioners intended to surrender in Crime No.1 of 2022, the alteration report of the FIR is not required for their surrender. Therefore, it is not the change of circumstances to consider their second application for anticipatory bail.

13. A perusal of records revealed that the petitioners have committed very serious offence as against the society and as such the custodial interrogation is very much required in this case and that there is no change of circumstances. Hence, this Court is not inclined to grant anticipatory bail to the



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petitioners.

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14. Accordingly, these Criminal Original Petitions are dismissed.

13.10.2022

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G.K.ILANTHIRAIYAN, J.

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To

1. The Inspector of Police,
CBCID – North,
Thiruvannamalai Police Station
Thiruvannamalai District.

2. The Public Prosecutor,
High Court of Madras.

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