



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 22/02/2022
PRONOUNCED ON : 02/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) .Nos.87, 90, 148, 150, 159, 176, 2231, 3372 and 3392 of
2022

Crl.O.P. (MD)No.87 of 2022:

Rathnamala

... Petitioner/Accused No.5

Vs

1.State Rep.by

The Inspector of Police,
District Crime Branch,
Theni.
Crime No.16/2021.

2.The Inspector of Police,
CBCID, Theni.

In Crime No.Not Known to the petitioner

... Respondents/Complainants

(R2 Impleaded as Per Order
of this Court Dated 12.01.2022
in Crl.Mp.(MD).No.590/2022 in
Crl OP (MD)No.87/2022)

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s.APN Law Associates

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16/2021 on the file of the
Respondent Police.

CRL OP(MD) . No.90 of 2022:

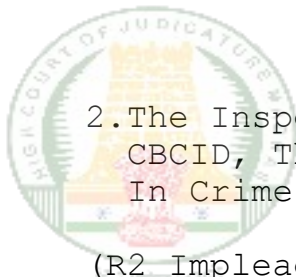
Mohanram

... Petitioner/Accused No.2

Vs

1.State Rep.by

The Inspector of Police,
District Crime Branch,
Theni District.
Cr.No. 17 of 2021.



2.The Inspector of Police,
CBCID, Theni.
In Crime No.Not Known to the Petitioner

... Respondents/Complainants

(R2 Impleaded as Per Order of this
Court Dated 12.01.2022 in Crl.MP.
(MD).No.591/2022 in Crl OP(MD)
No.90/2022)

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s. APN Law Associates

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assist by Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of the
Respondent Police.

CRL OP(MD) . No.148 of 2022:

Mohanram

... Petitioner/Accused No.3

Vs

1.State Rep.by
The Inspector of Police,
District Crime Branch,
Theni District.
In Crime No.18/2021.

2.The Inspector of Police,
CBCID, Theni.
In Crime No.Not Known to the petitioner

... Respondents/Complainants

(R2 Impleaded as Per Order of
This Court Dated 12.01.2022
in Crl.Mp. (MD).No.592/2022 in
Crl.OP (MD)No.148/2022)

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s. APN Law Associates

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)



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

PRAYER :-

For Anticipatory Bail in Crime No.18/2021 on the file of the Respondent Police.

CRL OP(MD) . No.150 of 2022:

Mohanram

... Petitioner/Accused No.3

Vs

1.State Rep.by
The Inspector of Police,
District Crime Branch,
Theni District.
In Crime No.16/2021.

2.The Inspector of Police,
CBCID, Theni.
In Crime No.Not Known to the petitioner

... Respondents/Complainants

(R2 Impleaded as Per Order of
this Court Dated 12.01.2022
in Crl.Mp.(MD).No.593/2022 in
Crl OP(MD)No.150/2022)

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s. APN Law Associates
For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16/2021 on the file of the Respondent Police.

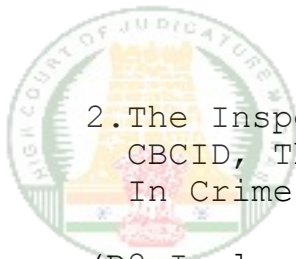
CRL OP(MD) . No.159 of 2022:

Rathnamala

... Petitioner/Accused No.3

Vs

1.State Rep.by
The Inspector of Police,
District Crime Branch, Theni.
Cr.No.17/2021.



2.The Inspector of Police,
CBCID, Theni.
In Crime No.Not Known to the petitioner

... Respondents/Complainants

(R2 Impleaded as Per
Order of This Court Dated
12.01.2022 in CrI.Mp.(MD).
No.594/2022 in CrI OP(MD)
No.159/2022)

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s. APN Law Associates
For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M. Muthumanikkam,
Government Advocate (CrI.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of the
Respondent police.

CRL OP(MD) . No.176 of 2022:

Rathnamala

... Petitioner/Accused No.5

Vs

1.State Rep.by
The Inspector of Police,
District Crime Branch,
Theni.
Cr.No.18 of 2021.

2.The Inspector of Police,
CBCID, Theni.
In Crime No.Not Known to the petitioner

... Respondents/Complainants

(R2 Impleaded as Per
Order of this Court Dated
12.01.2022 in CrI.Mp.(MD).
No.595/2022 in CrI OP(MD).
No.176/2022)

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s. APN Law Associates
For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M. Muthumanikkam,
Government Advocate (CrI.Side)



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

PRAYER :-

For Anticipatory Bail in Crime No.18 of 2021 on the file of the Respondent police.

CRL OP(MD) .No.2231 of 2022:

S.Shaktivel

... Petitioner/Accused No.1

Vs

State Rep.by
The Deputy Superintendent of Police,
District Crime Branch,
Theni District.
(Crime.No.17/2021).

... Respondent/Complainant

For Petitioner : M/s.Atham Ali.S,
Advocate.

For Respondent : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.17 of 2021 on the file of the Respondent Police.

CRL OP(MD) . No.3372 of 2022:

Rathnamala

... Petitioner/Accused No.7

Vs

State through
The Inspector of Police,
Department of Vigilance and Anti Corruption,
Theni.
Cr.No.2 of 2022.

... Respondent/Complainant

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s. APN Law Associates

For Respondent : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2022 on the file of the Respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>



CRL OP(MD) . No.3392 of 2022:

Mohan Ram

... Petitioner/Accused No.8

Vs

State rep.by

The Inspector of Police,

Department of Vigilance and Anti Corruption,

Theni.

in Crime No.2/2022.

... Respondent/Complainant

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s. APN Law Associates

For Respondent : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner/accused No.5 in Crl.O.P.(MD)No.87 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 I.P.C., r/w Sections 13(2), 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, in Cr.No.16 of 2021, seeks anticipatory bail.

2.The petitioner/accused No.2 in Crl.O.P.(MD)No.90 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 I.P.C., r/w Sections 13(2), 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, in Cr.No.17 of 2021, seeks anticipatory bail.

3.The petitioner/accused No.3 in Crl.O.P.(MD)No.148 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 I.P.C., r/w Sections 13(2), 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, in Cr.No.18 of 2021, seeks anticipatory bail.

4.The petitioner/accused No.3 in Crl.O.P.(MD)No.150 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 I.P.C., r/w Sections 13(2), 13(1)(C) and 13(1)(d)(i) of



Prevention of Corruption Act, 1988, in Cr.No.16 of 2021, seeks anticipatory bail.

5.The petitioner/accused No.3 in Crl.O.P.(MD)No.159 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 I.P.C., r/w Sections 13(2), 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, in Cr.No.17 of 2021, seeks anticipatory bail.

6.The petitioner/accused No.5 in Crl.O.P.(MD)No.176 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 I.P.C., r/w Sections 13(2), 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, in Cr.No.18 of 2021, seeks anticipatory bail.

7.The petitioner/accused No.1 in Crl.O.P.(MD)No.2231 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 I.P.C., 13(2) r/w Sections 13(1)(c), 13(1)(d) of Prevention of Corruption Act, 1988, 13(2) r/w 13(1)(a) of Prevention of Corruption Amendment Act 2018 in Cr.No.17 of 2021, seeks anticipatory bail.

8.The petitioner/accused No.7 in Crl.O.P.(MD)No.3372 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 167, 465, 468, 471 r/w 109 I.P.C., r/w Section 7, 8(1), 13(1)(a) r/w 13(2) and 12 of Prevention of Corruption Act, 1988 in Cr.No.2 of 2022, seeks anticipatory bail.

9.The petitioner/accused No.8 in Crl.O.P.(MD)No.3392 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 167, 465, 468, 471 r/w 109 I.P.C., r/w Section 7, 8(1), 13(1)(a) r/w 13(2) and 12 of Prevention of Corruption Act, 1988 in Cr.No.2 of 2022, seeks anticipatory bail.

10.The case of the prosecution is that without proper application and procedures, the Government lands have been transferred in the name of the individuals, mostly the relatives of the Government officials through online and swindled the Government lands. The Government Officials allowed one V. Annaprakash, a licence holder, to take gravels illicitly in the places other than the permitted places and also allowed to take gravels from poromboke lands and thereby caused loss to the tune of Rupees Three Crores to the Government. Hence, the above complaints.

11.The learned Additional Advocate General appearing for the State would submit that the Government Officials had swindled Government lands worth of Rupees Seven Hundred Crores and it will be



officials, without proper application and procedures had transferred the Government lands in the name of individuals, mostly to the relatives of the Government officials through online and subsequently they have executed documents in favour of others, in pursuance of the said assignment of lands.

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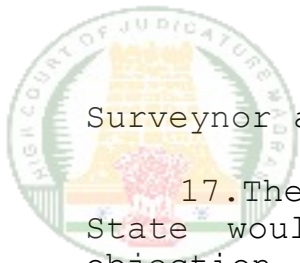
12.The learned Additional Advocate General appearing for the State would further submit that one Annaprakash who was holding licence to take gravel over an extent of 1.41.50 hectares in two survey numbers situated at Vadaveeraaickapatti village, Periyakulam Taluk, but the said individual was allowed to take gravel over an extent of 1.63.50 in S.F.No.2302/2 located in the same village, that the said individual was allowed to take gravel illicitly from the places other than the permitted places and the Government Officials had allowed the said individual to take gravel more than the permitted limits and also to take gravels from poromboke land which are located adjacent to the permitted site and that he had taken approximately 70,000 of lorry load gravel illicitly and thereby caused loss to the Government to the tune of Rupees Three Crores.

13.The learned Counsel for the petitioners would submit that though the F.I.Rs came to be registered in the year 2021, the accused Rathinamala while she was working as Tahsildar, Periyakulam sent a report to the Revenue Divisional Officer, Periyakulam on 11.12.2018 informing about the assignment of lands through forgery pattas and that the Revenue Divisional Officer in turn has sent a report to the District Collector, Theni on 11.12.2018 itself, that subsequently the Tahsildar - Rathinamala had sent another report dated 01.02.2018 to the Revenue Divisional Officer, Periyakulam reiterating the same contentions, that the said reports were prepared by the said Tahsildar Rathinamala with the help of the other accused Mohanram, that the petitioners have alone reported about the assignment of lands through forgery pattas even two years prior to the registration of F.I.Rs to the concerned higher officials, that therefore, the registration of F.I.Rs., implicating the petitioners is not sustainable and is motivated and that they have been falsely implicated in the above cases.

14.No doubt, the petitioners have produced the copies of the report sent by the Tahsildar Rathinamala and also the report sent by the Revenue Divisional Officer to the District Collector.

15.The learned Counsel for the petitioner in CrI.O.P.(MD) No.2231 of 2022 would submit that the petitioner is only a surveyor, that he had no authority to assign patta for any individual, that he has no connection whatsoever with the alleged incidents and that the petitioner has been falsely implicated in the above case.

16.It is not in dispute that the accused Rathinamala was working as a Tahsildar and the accused Mohanram was working as a
<https://hcc.myscourts.gov.in/cases/> and the accused Sakthivel was working as a



Surveyor at the relevant point of time.

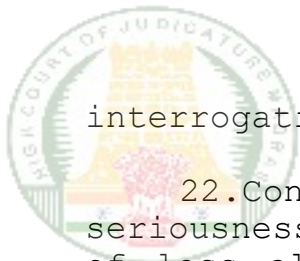
17.The learned Additional Advocate General appearing for the State would submit that the accused Rathinamala alone gave no objection letter to the Sub-Registrar for registering the documents with respect to the properties involved in the above cases and the Deputy Tahsildar - Mohanram had issued patta transfer orders in respect of the said properties and that the lands were transferred in favour of some individuals by using the log-in ID of the petitioners' official web site of Tamil Nilam.

18.It is not in dispute that the concerned Tahsildar has then passed an order of cancelling the pattas issued and thereafter the said Annaprakash and ten others have filed a writ petition in W.P. (MD)No.18348 of 2021 and this Court, vide order dated 08.10.2021, has quashed the impugned order passed by the Tahsildar and also directed the Tahsildar to reconsider the same after giving reasonable opportunity to the petitioners therein. The learned Additional Advocate General would further submit that the Revenue Authorities along with the District Collector have immediately filed review petition before this Court to review the order dated 08.10.2021 passed in W.P.(MD)18348 of 2021 and this Court granted an order of interim injunction restraining the writ petitioners from dealing with, encumbering, alienating or otherwise disposing of the relevant properties until the review application is heard and decided. In the said order, this Court has also observed that there is no embargo for the institution or continuation of proceedings initiated by the State in respect of the alleged irregularities and illegalities pertaining to the relevant properties.

19.No doubt, a Single Judge of this Court, while considering the anticipatory bail application of an accused in a connected case, has passed an order directing the petitioner therein to appear before the CBCID with all available documents within 10 days and the CBCID, after perusing the records, shall get permission from the concerned Judicial Magistrate Court and arrest the petitioner if necessary for custodial interrogation.

20.It is also not in dispute that while considering another anticipatory bail application in Crl.O.P.(MD)Nos.1829 and 1990 of 2022, another learned Single Judge has specifically observed that the custodial interrogation of the petitioner was very much necessary to unearth the truth and dismissed the petition.

21.According to the learned Additional Advocate General, the main accused Annaprakash and some other accused have already been arrested and are in judicial custody. According to the prosecution, the petitioners herein are the main accused, as they involved directly. No doubt, some of the cases have already been transferred to CBCID, Theni and the cases have been registered. The learned



interrogation of the petitioners is very much necessary.

22.Considering the above facts and circumstances and also the seriousness and gravity of the offences alleged and also the quantum of loss allegedly caused to the Government, this Court is of the view that the petitioners are to be directed to appear before the respondent police with all available records.

23.Hence, the petitioners are hereby directed to appear before the respondent police with all available records within a period of ten days from the date of receipt of a copy of this order and the respondent police, after considering the records, shall get permission from the concerned Judicial Magistrate and arrest them, if necessary, for custodial interrogation. In case, if the petitioners fail to appear before the respondent police in pursuance of the directions of this Court, the respondent police is at liberty to proceed against the petitioners in accordance with law.

24.With the above directions, the Criminal Original Petitions are disposed of.

sd/-
02/03/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Chief Judicial Magistrate,
Theni.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Theni District.



3.The Inspector of Police,
District Crime Branch,
Theni.

4.The Inspector of Police,
CBCID,
Theni.

5.The Inspector of Police,
Department of Vigilance and AntiCorruption,
Theni.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-1686[I] dated
03/03/2022)

ORDER IN
CRL OP(MD).Nos.87, 90, 148,
150, 159, 176, 2231, 3372 and
3392 of 2022
Date : 02/03/2022

RS/PN/SAR.3(10.03.2022) 11P-8C