



WEB COPY

(1)Crl.OP(MD)No.1829 of 2022:-

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 09/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)Nos.1829 and 1990 of 2022

K.Sanjeev Gandhi

... Petitioner/2nd Accused
In Crl.OP(MD) .1829/2022

... Petitioner/4th Accused
In Crl.OP(MD) .1990/2022

Vs.

The State through
The Inspector of Police,
The Crime Branch Crime Investigation Department,
Theni District.
(Crime Nos.1 & 3 of 2022)

... Respondent/Complainant
In Both Petitions

IN BOTH PETITIONS:

For Petitioner : Mr.ALAGARSAMY.S, Advocate
For Respondent : Mr.VEERA KATHIRAVAN
Additional Advocate General
for Mr.S.MANIKANDAN,
Government Advocate (Crl.side)

PETITIONS FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bails in Crime Nos.1 & 3 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioner, who is arrayed as A2 and A4 respectively apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 409, 465, 466, 477A, 468, 471, 472, 109 IPC r/w Section 13(2), 13(1), [c], 13(1)(d)(i), 13(2) r/w 13(1)(a) of Prevention of Corruption Act, 1988, in respect of Crime Nos.1 and 3 of 2022 seeks anticipatory bail, respectively.

2.The petitioner, in both the cases, is facing the charges for the offences under sections 409, 465, 466, 477A, 468, 471, 472, 109 IPC r/w Section 13(2), 13(1), [c], 13(1)(d)(i), 13(2) r/w 13(1)(a) of Prevention of Corruption Act, 1988,

3.Heard both sides.



4.The entire CD file perused. It appears that a big scam is involved in a big network involving the Government Officials in transferring the government poramboke lands in the name of private individuals, who are arrayed as co-accused in this issue.

5.The learned counsel appearing for the petitioner would submit that on the alleged date of clearance of the files, the petitioner is not available in the place of occurrence and he attended inspection work in Vada Veeranaickenpatti and his password has been illegally used by some other persons.

6.The learned Additional Advocate General appearing for the respondent would submit that the Government Officials are not co-operating with the Investigating Officer and repeated complaints have been filed and so far, two complaints have been registered in respect of the above said scam.

7.Perusal of the movement of the file schedule that has been produced by the learned Additional Advocate General shows that in a lightning speed, the files have been cleared. In all clearance of files, this petitioner involvement is noted. The survey Nos.1046/5A, 1046/5B, 1051/10A, 1051/10B, 1237/4A, 1255/2, 1254/1A, 1254/1B, 2184/4, 2184/1A, 2184/1B, 2184/2A, 2184/2B, 2184/3A, 2184/3B, 2184/4, 2184/4A, 2184/4B, 2184/5A, 2184/5B, 2187/3A, 2187/3B, 2187/4A, 2187/4B, 2187/5A, 2187/5B, 2201/1A, 2201/1B, 2201/2A, 2201/2B, 2201/3A, 2201/3B have been dealt with by this petitioner and only on the basis of the recommendation, patta has been transferred in the individual names.

8.A specific query was made by this court as to *modus operanti* of the offence. The learned Additional Advocate General would submit that without proper application and procedure, Government lands have been transferred in the name of the individuals in a lightning speed through on line. According to him, without involvement of the petitioner, the transfer of the patta would not have been taken place since computers are having double locking system. One key is available in the hands of the petitioner and so without his involvement, it would not have been taken place at all.

9.On hearing this argument, the learned counsel appearing for the petitioner as stated above would submit that on the date of alleged occurrence on 17/07/2018, he made a official visit along with the Assistant Engineer, surveyor etc. inspected the property in Vada Veeranaickenpatti village . According to him, without his knowledge, his computer has been used by another person by using his password and ID. According to him, the petitioner is not available in the place of occurrence. But as mentioned earlier, only the petitioner appears to have cleared the files in the lightning speed with the connivance of the other accused. The file was not cleared, not in a particular date as mentioned by the learned counsel appearing for the petitioner I.e., on 17/07/2018, but on various



dates, files have been dealt with. Finding a big scam, complaint has been lodged by the de-facto complainant.

10. So I am of the considered view that the custodial interrogation of the petitioner is very much necessary to unearth the truth. This is not a fittest case to enlarge the petitioner, even though the co-accused has been granted bail by this court in CrI.OP(MD)No.21029 of 2021, dated 29/12/2021. Even in that order, a specific direction was issued to the co-accused to appear before the respondent police for the purpose of investigation and the respondent police was also permitted to arrest the above said co-accused if necessary for interrogation. So that cannot be taken advantage of the petitioner.

11. In the result, these criminal original petitions are **dismissed**.

sd/-

09/02/2022

/ TRUE COPY /

16/02/2022

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 INSPECTOR OF POLICE,
THE CRIME BRANCH CRIME INVESTIGATION DEPARTMENT,
THENI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CC to M/S.ALAGARSAMY.S. Advocate SR.No.5525, 5526 **(F)**

ORDER

IN

CrI.OP(MD)Nos.1829 and 1990 of 2022
Date :09/02/2022

SA/VR/SAR.2/16.02.2022/3P/5C