



WEB COPY

Crl.O.P.(MD)No.4896 of 2022:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 21/03/2022

PRONOUNCED ON: 28/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . Nos.4896, 4897 and 4900 of 2022

Crl.O.P. (MD)No.4896 of 2022:

S.Alagar @ Alagarsamy

... Petitioner/Accused No.7

Vs

The State rep.by,

1. The Deputy Superintendent Of Police,
Madurai Range,
Vigilance and Anti-Corruption,
Theni.
(Crime No. 2 of 2022).

2. The Inspector of Police,
CBCID, Theni
(Crime No. 2 of 2022).

... Respondents/Complainants

Crl.O.P. (MD)No.4897 of 2022:

S.Alagar @ Alagarsamy

... Petitioner/Accused No.9

Vs

The State rep.by,

1. The Deputy Superintendent Of Police,
Madurai Range,
Vigilance and Anti-Corruption,
Theni.
(Crime No.1 of 2022).

2. The Inspector of Police,
CBCID, Theni
(Crime No.1 of 2022).

... Respondents/Complainants

Crl.O.P. (MD)No.4900 of 2022:

S.Alagar @ Alagarsamy

... Petitioner/Accused No.10

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



Vs

The State rep.by,
1. The Deputy Superintendent Of Police,
Madurai Range,
Vigilance and Anti-Corruption,
Theni.
(Crime No.3 of 2022).

2. The Inspector of Police,
CBCID, Theni
(Crime No.3 of 2022)

... Respondents/Complainants

For Petitioner : Mr.A.Raja.,
Advocate in all petitions
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)
in all petitions

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

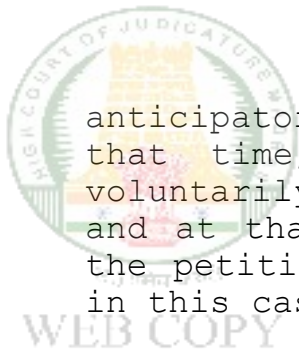
COMMON PRAYER :-For Bail in Crime Nos. 2, 1 and 3 of 2022 respectively on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 02.02.2022 for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 IPC, Sections 13(2) r/w 13(1)(A), 13(2), 13(1)(c) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, in Crime Nos.2,1 and 3 of 2022, respectively, seeks bail.

2. The case of the prosecution is that on 23.12.2021, Sub Collector of Periyakulam, Theni District, lodged a complaint before the Superintendent of Police, Theni District, stating that the lands in Thamaraikulam Village and Vadaveeranaickenpatti Village of Periyakulam Taluk, Theni District, were classified as Government Poramboke Tharisu land and that all the accused, without proper applications and procedures, have transferred the said lands in favour of the individuals mostly the relatives of the Government officials through online and swindled the Government lands. Hence, the complaint.

3. The case of the petitioner is that the petitioner has been working as a computer operator in the office of the Surveyor, that the petitioner is only a temporary worker in the Surveyor office, and the other main accused, who are Government officials have got



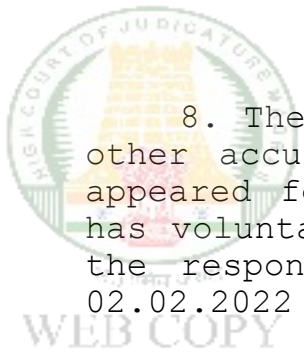
anticipatory bail before this Court and appeared for enquiry and at that time, they were arrested, that the petitioner has also voluntarily appeared before the respondent police for investigation and at that time, the petitioner was arrested on 02.02.2022, that the petitioner is innocent and that he has been falsely implicated in this case.

4. The learned Counsel for the petitioner would submit that the petitioner is in judicial custody from 02.02.2022, that the respondent police had taken the petitioner for police custody for one day, but no incriminating material has been collected, that his wife Amarjothi, who is shown as 9th accused has granted anticipatory bail by this Court in Crl.O.P.(MD)No.2615 of 2022 and that the petitioner was made as scapegoat by the other real culprits and he had no bad antecedents.

5. 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 the biggest scam in the State of Tamil Nadu, that the Government 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.

6. The learned Counsel for the petitioner would further submit that the petitioner is only a computer operator appointed on temporary basis and that he had no authority or power to grant or transfer patta and he has absolutely no connection whatever with the alleged incident.

7. It is not in dispute that the concerned Tahsildar has then passed an order of cancelling the pattas issued and thereafter, one 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.



8. The learned Counsel for the petitioner would submit that the other accused, in pursuance of the directions of this Court have appeared for enquiry before the CBCID, Theni, that the petitioner has voluntarily appeared before the respondent for enquiry and that the respondent has arrested the petitioner and other accused on 02.02.2022 and remanded to judicial custody.

9. The learned Counsel for the petitioner would further submit that the respondent police had applied and got orders for police custody for one day and that they have examined the petitioner, but no incriminating material has been collected from him during the police custody. The learned Counsel would further submit that Court has granted bail to the Surveyor Pitchaimani in two cases in Cr.Nos.1 and 3 of 2022, on the file of the respondent police in Crl.O.P. (MD)Nos.3912 and 3926 of 2022, dated 21.03.2022.

10. Considering the above facts and circumstances and also the fact that the petitioner is in judicial custody from 02.02.2022, that the respondent police has already examined the petitioner after taking him to police custody, that the co-accused was already granted bail in two cases and that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

11. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Theni.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/Special court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

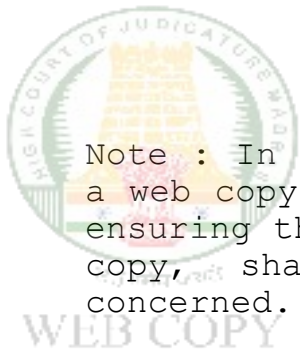
(v) On breach of any of the aforesaid conditions, the learned Magistrate/Special Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Special Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/03/2022

/ TRUE COPY /

29/03/2022
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 DISTRICT.
 - 2 THE OFFICER INCHARGE,
DISTRICT PRISON, ANDIPATTI,
THENI DISTRICT.
 - 3 THE DEPUTY SUPERINTENDENT OF POLICE,
MADURAI RANGE,
VIGILANCE AND ANTI-CORRUPTION,
THENI.
 - 4 THE INSPECTOR OF POLICE
CBCID, THENI
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.A.RAJA, Advocate (SR-2592[I] dated 28/03/2022)

ORDER
IN
CRL OP (MD) . Nos.4896, 4897
and 4900 of 2022
Date :28/03/2022

SSL
MK/PN/SAR.II/29.03.2022/5P/7C