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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 25/03/2022

PRONOUNCED ON: 01/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5017 of 2022

Anna Prakash,

... Petitioner/Accused No.9

Vs

1. The State Rep by,
The Inspector of Police,
CBCID South Police Station,
Theni District.
(Crime No. 3 of 2022).

2. The Deputy Superintendent Of Police,
Madurai Range,
Vigilance and Anti Corruption,
Theni.

... Respondents/Complainants

For Petitioner : Mr.M.Sricharan Rangarajan, Senior Counsel
for Mr.K.Rajeswaran, Advocate

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

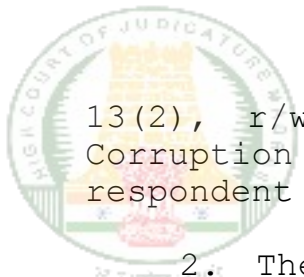
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 3 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.9 who was arrested and remanded to judicial custody on 02.02.2022, for the offences punishable under Sections 405, 465, 466, 477A, 468, 471, 472 and 109 I.P.C., Sections



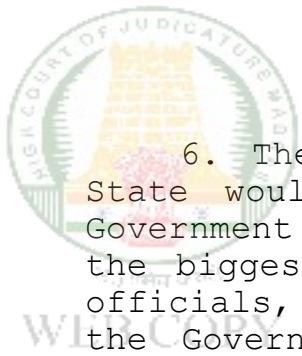
13(2), r/w 13(1)(c), 13(1)(d)(i) and 13(1)(a) of Prevention of Corruption Act, 1988, in Crime No.3 of 2022, on the file of the respondent police, seeks bail.

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 he has been in possession and enjoyment of the above said land since last 20 years and adjacent to the said lands, the lands belonging to his parents are also situated and they are poramboke lands, that the Government has acquired some lands belonging to the petitioner and his family members in 1997 in connection with construction of the Collector office extension, that since the Government has not paid any compensation for the said acquisition, the petitioner made a request to the authorities to allot the alternative lands and also suggested large extent of poramboke land was available and some portion of the said lands can be allotted to him and his family members and based on such request, the Government allotted the lands and also allotted patta number, that the patta has not been reflected in the other revenue records, the petitioner and others gave representations to the revenue authorities for making entries in their names in the respective Adangal and A register and after so many efforts, the revenue authorities made entries during the year 2018-2019 and that the question of commission of any offence by the petitioner does not arise.

4. The learned Counsel for the petitioner would submit that the petitioner is no way connected with the issuance of any patta as alleged by the prosecution, that the petitioner was previously Union Secretary of opposite party and after change of Government, in order to wreck vengeance, the above false case has been foisted against him.

5. 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 the petitioner, a licence holder, to take gravels illicitly in the places other than the permitted places and also allowed to take gravels from poramboke lands and thereby caused loss to the tune of Rupees Three Crores to the Government. Hence, the above complaints.



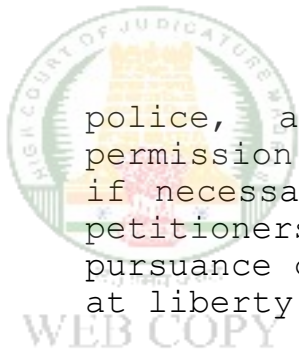
6. The learned Additional Advocate General appearing for the State would submit that the Government Officials had swindled Government lands worth of Rupees Seven Hundred Crores and it will be the biggest scam in the State of Tamil Nadu, that the Government officials, without proper application and procedures 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.

7. The learned Additional Advocate General appearing for the State would further submit that the petitioner 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.

8. It is not in dispute that the concerned Tahsildar has then passed an order of cancelling the pattas issued and thereafter the said Annaprakash - the petitioner herein, 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.

9. It is also not in dispute that son, brother, mother and other close relatives of the petitioner have filed a petition in Crl.O.P.(MD)No.2783 of 2022 seeking anticipatory bail and this Court has directed the petitioners therein to appear before the respondent police with all available records within a period of ten days from

<https://hcc.judges.eas.gov.in/fcservices>



police, after considering the records, was directed to get permission from the concerned Judicial Magistrate and arrest them, if necessary for custodial interrogation and that in case, if the petitioners therein fail to appear before the respondent police, in pursuance of the directions of this Court, the respondent police was at liberty to proceed against him in accordance with law.

10. The learned Additional Advocate General appearing for the State would submit that they have not appeared before the respondent police as directed by this Court and that they have approached the Hon'ble Supreme Court for anticipatory bail and their petitions are pending.

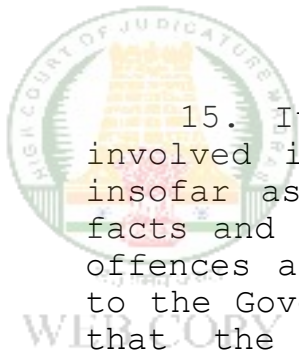
11. No doubt, this Court has granted bail to the first accused in Cr.Nos.1 and 3 of 2022, Pitchaimani, who was the then Surveyor in CrI.O.P.(MD)Nos.3912 and 3926 of 2022, vide order dated 21.03.2022 and also to the accused Alagarsamy, who was the then Computer Operator in Surveyor office in connection with 3 cases in Cr.O.P.(MD)Nos.4896, 4897 and 4900 of 2022, vide order dated 28.03.2022.

12. The learned Counsel for the petitioner would submit that in pursuance of the directions of this Court, the petitioner appeared before the respondent police on 11.01.2022, 13.01.2022 and 02.02.2022, that when he appeared on 02.02.2022, the respondent police during the enquiry itself arrested him, that since the police has already enquired him sufficiently, there is no need or necessity for further interrogation.

13. The learned Additional Advocate General would submit that though the petitioner had appeared for enquiry, he did not reveal any information and truth about the commission of crime, as to how they got computer patta without giving any petition to the Government and that the petitioner has never co-operated for the investigation. He would further submit that the petitioner is also an accused in Theni Vigilance and Anti Corruption Cr.No.02 of 2022 and in that case, he colluded with the officials of Mines and Minerals department and Revenue department made illicit quarrying of gravel, that the team from the department of Geology and Mining had already inspected the site and reported that worth about Rs.4,17,68,480/- gravel quarried and transported illegally from the alleged places and thereby made wrongful loss to the Government.

14. According to the prosecution, the petitioner is the king-pin for all the offences and supporting the absconding accused also. The learned Additional Advocate General would also submit that the staff - Sanjeev Gandhi has filed a petition for Special Leave to Appeal in CrI.Nos.2058 - 2059 of 2022, challenging the dismissal of the petition for anticipatory bail by this Court and the Hon'ble Supreme Court, vide order dated 24.03.2022, dismissed the said petition and refused to interfere with the order passed by this Court dismissing the petition for anticipatory bail, preferred by

<https://hcmjcs.court.gov.in/hcmjcs/> Sanjeev Gandhi.



15. It is also not in dispute that the petitioner was also involved in other two cases, but admittedly he was not arrested insofar as the other cases are concerned. Considering the above facts and circumstances and also the seriousness and gravity of the offences alleged and also the quantum of the loss allegedly caused to the Government and also the fact that he is the main accused and that the investigation is pending as stated by the learned Additional Advocate General appearing for the State, this Court is not inclined to grant bail to the petitioner.

16. In the result, the Criminal Original Petition is dismissed.

sd/-
01/04/2022

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

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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
CBCID SOUTH POLICE STATION,
THENI DISTRICT
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
MADURAI RANGE, VIGILANCE AND ANTI CORRUPTION,
THENI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-2899[I] dated 04/04/2022)

ORDER
IN
CRL OP(MD) No.5017 of 2022
Date :01/04/2022

PKP/SVR/SAR-1/11.04.2022/5P/6C