



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 05/04/2022

PRONOUNCED ON : 08/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6256 of 2022

Jeyaraman

... Petitioner/Rank Not Known

Vs

State rep.by
The Inspector of Police,
CBCID, Theni District.
(Crime No.02/2022).

... Respondent/Complainant

For Petitioner : M/s.Kanagarajan 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.02/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.9, 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., Sections 13(2), 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988 and Section 13(2) r/w 13(1)(a) of Prevention of Corruption (Amendment) Act 2018 in Cr.No.2 of 2022, seeks anticipatory bail.

2. 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. Hence, the present complaint.

3. 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.

4. The learned Counsel appearing for the petitioners would submit that 2C patta has been issued by the Tahsildar of Periyakulam in respect of the disputed property and after obtaining patta, the petitioner has executed a sale deed in favour of a third party and now the respondent police have issued summons under Sections 160 and 91 Cr.P.C., to the petitioner to appear for enquiry and that the petitioner is apprehending that the respondent may arrest him, if he appears in pursuance of the summons issued to him.

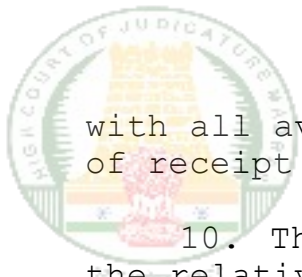
5. The learned Additional Advocate General appearing for the State would submit that the petitioner is also an accused in this case and he has executed a sale deed with regard to the disputed property to the third party.

6. The learned Additional Advocate General would submit that this Court, while considering the anticipatory bail application of the co-accused, 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 petitioners, if necessary, for custodial interrogation.

7. He would further submit that another learned Judge of this Court, while considering another anticipatory bail application in CrI.O.P.(MD)Nos.1829 and 1990 of 2022 has specifically observed that the custodial interrogation of the petitioner was very much necessary to unearth the truth and dismissed the petition.

8. As rightly contended by the learned Counsel for the petitioner, the above two anticipatory bail applications have been filed by the Government officials, who had cleared the files and who are shown as the main accused and that therefore, dismissal of those petitions cannot be taken into account, while considering the petition of the petitioner herein.

9. Sivaneswari and 8 others, who are the relatives of Annaprakash, have filed a petition seeking anticipatory bail in CrI.O.P.(MD)No.2783 of 2022 and this Court vide order dated 18.02.2022 directed them to appear before the the respondent police



with all available records within a period of ten days from the date of receipt of a copy of that order.

10. The learned Additional Advocate General would submit that the relatives of the said Annaprakash ie., Sivaneswari and 8 others have preferred Special Leave Petition in Petition for Special Leave Petition to Appeal (Crl.)No.2357 of 2022 and the Hon'ble Supreme Court, vide order dated 04.04.2022, dismissed the Special Leave Petition confirming the order passed by this Court.

11. It is pertinent to mention that the petitioner, on the basis of the patta allegedly obtained by him, has executed a sale deed with regard to the disputed property to the third party. Admittedly, the respondent has issued summons under Sections 160 and 91 Cr.P.C., to the petitioner to appear for enquiry.

12. Considering the above facts and circumstances and the charges levelled against the petitioner and that the respondent has issued summons to the petitioner, this Court is of the view that the petitioner is to be directed to appear before the respondent police for enquiry in pursuance of the summons issued to him with all available records and after enquiry, the petitioner may be arrested, if necessary after getting necessary permission from the concerned Judicial Magistrate Court, for custodial interrogation.

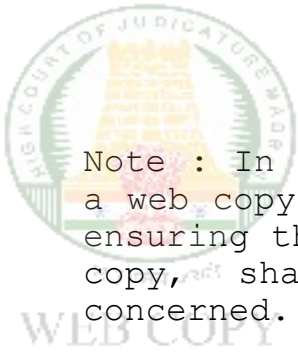
13. The petitioner is hereby directed to appear before the respondent police with all available records within a period of ten days from the date of receipt of a copy of this order and the respondent police, after considering the records, shall get permission from the concerned Judicial Magistrate and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

14. With the above directions, the Criminal Original Petition is disposed of.

Sd/-
08/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.I)
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,
CBCID, THENI DISTRICT.
 2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.KANAGARAJAN S Advocate SR.No.3227

ORDER
IN
CRL OP(MD) No.6256 of 2022
Date :08/04/2022

SP/SVR/SAR I/13/04/2022/4P/4C