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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 26/04/2022

PRONOUNCED ON: 05/05/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.7536, 7537 and 7538 of 2022

K.Sanjeev Gandhi	... Petitioner/Accused No.2 IN CRL OP(MD)No.7536/2022
K.Sanjeev Gandhi	... Petitioner/Accused No.4 IN CRL OP(MD)No.7537/2022
K.Sanjeev Gandhi	... Petitioner/Accused No.10 IN CRL OP(MD)No.7538/2022

Vs

The State represented by,
The Deputy Superintendent of Police,
CBCID Police Station,
Madurai Range in Theni,
Theni District.
(Crime No.1,3 and 2 of 2022)

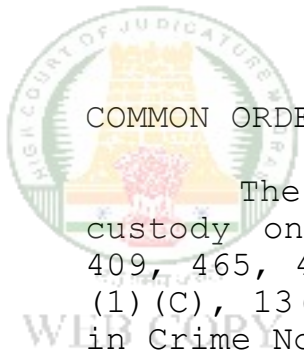
... Respondent/Complainant
in all the petitions

For Petitioner
in all cases : Mr.M.Ajmal Khan
Senior Counsel
for M/s. Ajmal Associates.

For Respondent
in all cases : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime Nos.1, 3, 2 of 2022 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 28.03.2022 for the offences punishable under Sections 409, 465, 466, 468, 471, 472, 477A r/w 109 IPC, Sections 13(2) r/w 13(1)(C), 13(1)(a), 13(1)(d)(i) of Prevention of Corruption Act, 1988, in Crime Nos.1, 3 and 2 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 he was working as Zonal Deputy Tahsildar, Periyakulam during the period from 14.05.2018 to 30.09.2018, that he has neither conspired with the other accused nor indulged in illegal activities as alleged by the prosecution, that on 18.07.2021, the petitioner was not at all available in the station and taking advantage of the same, some other persons misused the petitioner's I.D., for their personal benefits, that he has not authorized to mutate the patta in respect of the Government lands to any individuals without the submission of proper records, that since the alleged patta holders are party members of AIADMK, out of political vengeance, the present case was lodged against the accused persons 7 and 8 and that the other officials were implicated without conducting proper enquiry and that the petitioner is innocent and he has been falsely implicated in the other cases.

4. The learned Counsel for the petitioner would further submit that the petitioner has earlier filed petitions seeking anticipatory bail before this Court in CrI.O.P.(MD)Nos.1829 and 1990 of 2022 in respect of Crime Nos.1 and 3 of 2022 and the same were dismissed on 19.02.2022 and that the petitioner, aggrieved over the same, had approached the Hon'ble Apex Court in S.L.P.Nos.2058 and 2059 of 2022 and the same were also dismissed with liberty to surrender before the concerned Court and applied for regular bail.

5. The learned Counsel for the petitioner would further submit that in pursuance of the same, the petitioner surrendered before the Court of Chief Judicial Magistrate, Theni, on 28.03.2022, that the respondent police had taken police custody for one day on 06.04.2022, that they have examined the petitioner, but no incriminating materials have been collected from him during the police custody, that the petitioner's applications for bail filed before the Court of Chief Judicial Magistrate, Theni were dismissed and that



therefore, the petitioner was constrained to file the above applications seeking bail.

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. 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 this Court has already granted bail to Surveyor Pitchaimani in the cases in Cr.Nos.1 and 3 of 2022 and to the computer operator Alagar @ Alagarsamy in respect of three cases in Cr.Nos.1 to 3 of 2022.

9. Considering the above facts and circumstances and also the fact that the petitioner is in judicial custody from 28.03.2022, that the respondent police had already examined the petitioner after taking him to police custody, that the two co-accused officials were already granted bail by this Court 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:

10. 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, (Prevention of Anticorruption Cases), 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 stay at Villupuram and report before the Villupuram Town Police Station daily at 10.30 a.m., for a period of 30 (Thirty) days and thereafter 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/-

05/05/2022

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05/05/2022

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

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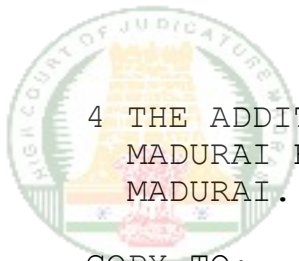
TO

1 THE CHIEF JUDICIAL MAGISTRATE,
(PREVENTION OF ANTICORRUPTION CASES),
THENI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID POLICE STATION,
MADURAI RANGE IN THENI,
THENI DISTRICT.

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



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

COPY TO:

THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM DISTRICT.

+3. CC to M/S. AJMAL ASSOCIATES Advocate SR.Nos.4348,4349 & 4350

ORDER IN
CRL OP(MD).Nos.7536, 7537
and 7538 of 2022
Date :05/05/2022

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MS/JM/SAR-3/05.05.2022/5P.9C