



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/05/2022

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD). Nos.9538, 9549 and 9565 of 2022

Mohanram

... Petitioner/Accused No.2
in Cr1 OP(MD) No.9538/2022

... Petitioner/Accused No.3
in Cr1 OP(MD) No.9549 and
9565/2022

Vs.

The State Rep. By,
Deputy Superintendent of Police,
CBCID Crime Branch,
Theni District.
Crime.Nos.2,3&1 of 2022.

... Respondent/Complainant
in all Clr.O.Ps

For Petitioner : Mr.N.Ananthpadmanabhan, Adocate for
M/s. Apn Law Associates

For Respondent : Mr.Veerakathiravan,
Additional Advocate General Assist by
Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 2,3 & 1 of 2022, on the file of the
Respondent police.

COMMON ORDER : The Court made the following common order :-

The petitioner/accused, who was arrested and remanded to
judicial custody on 05.05.2022 for the alleged offences under
Sections 409, 465, 466, 477(A), 468, 471, 472 and 109 IPC and
Sections 13(2) and 13(1)(c), Section 13(1)(d)(i) of Prevention of
Corruption Act, 1988, 13(2) r/w 13(1)(a) of Prevention of Corruption
Act(Amendment) Act 2018 on the file of the respondent police, seeks
bail.

2.The case of the prosecution is that huge Government lands
were divided into several portions and major portions of the lands
were illegally allotted to various persons. Hence, the complaint.



3.The learned counsel for the petitioner would submit that already before arresting the petitioner, he filed a petition for anticipatory bail before this Court. This Court has passed a common order and disposed of the said petition with the following observations:

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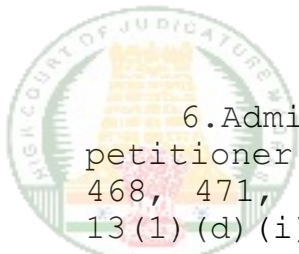
"23.Hence, the petitioners are hereby directed to appear before the respondent police with all available records within a period of ten days from the date of receipt of a copy of this order and the respondent police, after considering the records, shall get permission from the concerned Judicial Magistrate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

In view of the order passed by this Court, the petitioner was arrested and remanded to judicial custody. Usually, after arresting, the police custody has to be granted only within first 15 days. But, in this case, the respondent police filed a petition for custody only after completion of 14 days. However, the respondent police took the petitioner under police custody for one day. He would further submit that the petitioner was not involved in the said crime as alleged by the prosecution. At the relevant point of time, the petitioner was not in Station. Subsequently, he came to know that all the irregularities were committed by some one in his computer and without his knowledge, his computer was utilized. Further, as per the direction of this Court, the petitioner was arrested and interrogation was also completed and the prime accused, who is the beneficiary to the scam was also enlarged on bail and therefore, the custody of the petitioner is no longer required now. The petitioner is ready to abide by any conditions and also co-operate for investigation and he is not a prime accused and hence, he seeks bail.

4.The learned Additional Advocate General appearing for the respondent police would submit that all the Revenue Officials in the particular district has manipulated the records and also huge Government lands were illegally transferred to the private individuals and the petitioner herein has also actively participated in the said crime. He would further submit that the investigation is still pending and the petitioner is one among the persons. If the petitioner is enlarged on bail, there is a possibility of tampering the witnesses and hampering the investigation and also destroy the records. Therefore, he prays for dismissal of the petition.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the State and perused the materials available on records.

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6. Admittedly, the case has been registered against the petitioner for the offences under Sections 409, 465, 466, 477(A), 468, 471, 472 and 109 IPC and Sections 13(2) and 13(1)(c), Section 13(1)(d)(i) of Prevention of Corruption Act, 1988, 13(2) r/w 13(1)(a) of Prevention of Corruption Act (Amendment) Act 2018. Though the earlier order was passed by this Court directing the petitioner to appear before the respondent police with all records and the respondent police after getting permission from the Judicial Magistrate and arrest the petitioner if necessary for custodial interrogation, the petitioner was arrested and also took police custody for one day.

7. On a perusal of the records, it is seen that the petitioner and other accused are the Revenue Officials from top to bottom and within a short span of time, the illegal transaction has been committed. Even without verification, they were conspired into and transferred the Government lands to the private individuals. Whether the petitioner herein has actively participated in the scam or not which would reveal only during the investigation, not at this stage.

8. Considering the serious nature of the offences and the petitioner is a Zonal Deputy Tahsildar, this Court is not inclined to grant bail to the petitioner. Hence, these Criminal Original Petitions are dismissed.

sd/-

26/05/2022

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/ /2022

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

TO

1. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID CRIME BRANCH, THENI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB-JAIL, THENI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD). Nos.9538, 9549
and 9565 of 2022

Date : 26/05/2022

USK/VR/SAR-IV/26.05.2022/3P/5C

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