



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 17/06/2022
PRONOUNCED ON: 24/06/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.10327 and 10766 of 2022

Crl.O.P. (MD)No.10327 of 2022

Selvaraj

... Petitioner/Accused
Rank Not Known

Vs

The State represented by,
The Deputy Superintendent of Police,
CBCID Police Station,
Theni District.
(Crime No.2 of 2022).

...Respondent/Complainant

For Petitioner: Mr.J.VISHNU,
Advocate.

For Respondent: Mr.VEERA KATHIRAVAN,
Additional Advocate General,
Assisted by
Mr.P.KOTTAI CHAMY,
Government Advocate (Crl. Side).

Crl.O.P. (MD)No.10766 of 2022

S.Shaktivel

... Petitioner/Accused No.1

Vs

The State represented through
The Deputy Superintendent of Police,
District Crime Branch,
Theni District.
(Crime No.17 of 2021).

... Respondent/Complainant

For Petitioner: Mr.S.ATHAM ALI,
Advocate.

For Respondent: Mr.VEERA KATHIRAVAN,
Additional Advocate General,
Assisted by
Mr.P.KOTTAI CHAMY,
Government Advocate (Crl. Side).



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

PRAYER :- For Bail in Crime Nos.2 of 2022 and 17 of 2021 on the file of the respondent police respectively.

COMMON ORDER : The Court made the following order :-

Prayer in Crl.O.P(MD) .No.10327 of 2022

The petitioner, who was arrested and remanded to judicial custody on 05.05.2022 for the offences punishable under Sections 409, 465, 466, 477(A), 468, 471, 472, 109 of IPC, r/w Sections 13(2), 13(1)(c), 13(1)(a) and 13(1)(d)(i) PC Act 13(2) r/w 13(1)(a) of Prevention of Corruption (Amendment) Act, 2018 in Crime No.2 of 2022, seeks bail.

Prayer in Crl.O.P(MD) .No.10766 of 2022:-

The petitioner, who was arrested and remanded to judicial custody on 05.05.2022 for the offences punishable under Sections 409, 465, 466, 477(A), 468, 471, 472 and 109 IPC, Sections 13(2) r/w 13(1)(c) and 13(1)(d) of Prevention of the Corruption Act, 1988 and Sections 13(2) r/w 13(1)(a) of Prevention of Corruption Amendment Act, 2018, in Crime No. 17 of 2021, seek 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 petitioner in Crl.O.P.(MD)No.10766 of 2022 is working as Surveyor in Kenguvarpatti Village, Periyakulam Taluk, and whereas, the petitioner in Crl.O.P.(MD)No.10327 of 2022 is working as a helper to the Surveyor.

4.The petitioners' case is that they are not having any authority to recommend patta for any individual, that the allegations levelled against the petitioners that they used user id and password to change the Government land into patta land are all false, that the higher officials alone were having the user id and password, that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and that they have been falsely implicated in the above case.

5.The learned counsel for the petitioner in Crl.O.P.(MD)No.10766 of 2022 would submit that the petitioner has earlier filed a petition for anticipatory bail before this Court and this Court has passed an order directing the petitioner to appear before CBCID with all



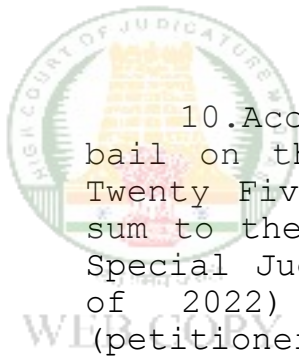
available documents within a time stipulated and also directed the Inspector of CBCID to peruse the records and get permission from the concerned Magistrate Court and arrest the petitioner for custodial interrogation if necessary, that in pursuance of the same, the petitioner appeared four times before the respondent police and co-operated for the investigation and that the respondent police without any valid reason or ground arrested the petitioner and remanded to judicial custody on 05.05.2022.

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 and 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 petitioners in CrI.O.P.(MD) Nos.10327 and 10766 of 2022 would submit that this Court has already granted bail to Surveyor Pitchaimani in the cases in Crime Nos.1 and 3 of 2022 and to the computer operator Alagar @ Alagarsamy in respect of three cases in Crime Nos.1 to 3 of 2022.

9.Considering the above facts and circumstances of the case and also the facts that the petitioners are in judicial custody from 05.05.2022, that the co-accused officials were granted bail by this Court and that the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners subject to the following conditions:



10. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate / Special Judge for PC Act, Theni (petitioner in Crl.O.P.(MD)No.10327 of 2022) and the learned Judicial Magistrate, Periyakulam (petitioner in Crl.O.P.(MD)No.10766 of 2022).

(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 petitioners shall stay at Thanjavur and report before the Thanjavur Medical College 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 petitioners shall not tamper with evidence or witness;

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/06/2022

/ TRUE COPY /

24/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE / SPECIAL JUDGE FOR PC ACT, THENI.
- 2 THE JUDICIAL MAGISTRATE, PERIYAKULAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, THENI DISTRICT.



5 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID POLICE STATION,
THENI DISTRICT.

6 THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.

ORDER

IN

CRL OP (MD) . Nos.10327 and
10766 of 2022

Date :24/06/2022

SA/PN/SAR.2/24.06.2022/5P/9C