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Crl.O.P.(MD)No.10597 of 2022:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 15/06/2022

PRONOUNCED ON : 24/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.10597, 10600, 10603 and 10604 of 2022

Rathnamala, ... Petitioner/Accused No.5
in CRL OP(MD)Nos.10597 & 10604 of 2022
...Petitioner/Accused No.3
in CRL OP(MD)No.10600&10603 of 2022

Vs

State Rep.by
The Inspector of Police,
CBCID Crime Branch, Theni.
(Crime No.1,2,3/2022). ... Respondent/Complainant
in CRL OP(MD)Nos.10597, 10600 &
10604 of 2022

State through,
The Inspector of Police,
Department of Vigilance and
Anti Corruption,
Theni.
(Crime No.2/2022). ... Respondent/Complainant
in CRL OP(MD)NO. 10603 of 2022

For Petitioner
in all cases : Mr.Sricharan Rangarajan, Advocate
for Mr.S.Ramsundar Vijayraj, Advocate
For Respondent
in all cases : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime Nos.1, 2, 2 and 3/2022 on the
file of the respondent police respectively.

<https://hcmccourt.gov.in/services/> The Court made the following order :-



The petitioner/accused No.5 in Crl.O.P.(MD)No.10597 of 2022, 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., r/w Sections 13(2), 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, in Cr.No.1 of 2022, seeks anticipatory bail.

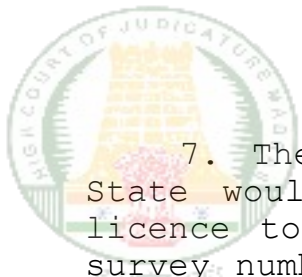
2. The petitioner/accused No.3 in Crl.O.P.(MD)No.10600 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 I.P.C., r/w Sections 13(2), 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, 13(2) r/w 12(1)(a) of Prevention of Corruption Act (Amendment) Act 2018 in Cr.No.2 of 2022, seeks anticipatory bail.

3. The petitioner/accused No.3 in Crl.O.P.(MD)No.10603 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 120B, 167, 379, 477(A), 468, 471 r/w 109 I.P.C., and Sections 7, 13(1)(C), 13(1)(d)(i), 13(1)(a) r/w 13(2) and 12 of Prevention of Corruption Act, 1988 and Sections 7, 8(1)(a) r/w 13(2) and 12 of Prevention of Corruption Act (Amendment) Act 2018, in Cr.No.2 of 2022, seeks anticipatory bail.

4. The petitioner/accused No.5 in Crl.O.P.(MD)No.10604 of 2022, 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., 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 in Cr.No.3 of 2022, seeks anticipatory bail.

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 one V.Annaprakash, a licence holder, to take gravels illicitly in the places other than the permitted places and also allowed to take gravels from poromboke 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



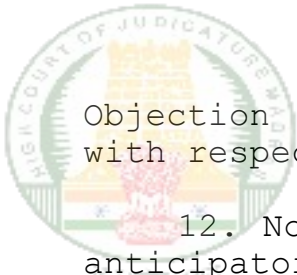
7. The learned Additional Advocate General appearing for the State would further submit that one Annaprakash who was holding licence to take gravel over an extent of 1.41.50 hectares in two survey numbers situated at Vadaveeraaickapatti village, Periyakulam Taluk, but the said individual was allowed 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. The learned Counsel for the petitioners would submit that though the F.I.Rs came to be registered in the year 2021, the accused Rathinamala while she was working as Tahsildar, Periyakulam sent a report to the Revenue Divisional Officer, Periyakulam on 11.12.2018 informing about the assignment of lands through forgery pattas and that the Revenue Divisional Officer in turn has sent a report to the District Collector, Theni on 11.12.2018 itself, that subsequently the Tahsildar - Rathinamala had sent another report dated 01.02.2018 to the Revenue Divisional Officer, Periyakulam reiterating the same contentions, that the said reports were prepared by the said Tahsildar Rathinamala with the help of the other accused Mohanram, that the petitioners have alone reported about the assignment of lands through forgery pattas even two years prior to the registration of F.I.Rs to the concerned higher officials, that therefore, the registration of F.I.Rs., implicating the petitioners is not sustainable and is motivated and that they have been falsely implicated in the above cases.

9. No doubt, the petitioners have produced the copies of the report sent by the Tahsildar Rathinamala and also the report sent by the Revenue Divisional Officer to the District Collector.

10. The learned Counsel for the petitioner would submit that the petitioner is a whistle blower having sent a report regarding the unauthorized sub-divisions of Survey Numbers and grant of patta to private parties where she had given the report along with the Zonal Deputy Tahsildar as early as on 11.12.2018 and that thereafter the petitioner as well as the Zonal Deputy Tahsildar had sent an official note dated 01.02.2019 addressed to the Revenue Divisional Officer, that without waking up since 2018, the higher authorities have found the anomaly two years after the petitioner's report and without application of mind, they have implicated the petitioner as an accused.

11. The learned Additional Advocate General appearing for the State would submit that the accused Rathnamala alone gave No



Objection letter to the Sub-Registrar for registering the documents with respect to the properties involved in the above cases.

12. No doubt, the petitioner has earlier filed applications for anticipatory bail in Crl.O.P.(MD)Nos.87 of 2022, 159 of 2022, 176 of 2022, 3372 of 2022 and this Court directed the petitioner 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 that order and the respondent police was directed to consider the records and get permission from the concerned Judicial Magistrate and arrest her, if necessary, for custodial interrogation.

13. The learned Counsel for the petitioner would submit that in pursuance of the said order, the petitioner appeared before DCB as well as DV&AC and also before CBCID on several occasions and gave several statements in writing and that despite such co-operation, the respondent police has arrested another accused, who was also given similar directions in the same common order dated 02.03.2022. But the learned Additional Advocate General would submit that the petitioner has not co-operated for the investigation and failed to appear for the subsequent hearings. Though the petitioner has alleged that she had appeared before the DCB, DV&AC and CBCID on several occasions and gave several statements, she has not elaborated anything further.

14. Considering the above, this Court has no hesitation to hold that the petitioner has not complied with the directions of this Court issued in the order dated 02.03.2022. Considering the facts and circumstances of the case and also gravity and seriousness of the offences alleged and the quantum of loss caused to the Government and also the facts that the petitioner has not complied with the directions of this Court issued in the earlier order dated 02.03.2022 and that the investigation is pending as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant anticipatory bail to the petitioner.

15. In the result, all the Criminal Original Petitions are dismissed.

sd/-
24/06/2022

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



TO

1 THE INSPECTOR OF POLICE
CBCID CRIME BRANCH, THENI.

2 THE INSPECTOR OF POLICE
DEPARTMENT OF VIGILANCE AND ANTI CORRUPTION,
THENI.

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

+4 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR Nos.6147 to 6150 [I]
dated 27/06/2022)

ORDER
IN
CRL OP (MD) .Nos.10597, 10600,
10603 and 10604 of 2022
Date :24/06/2022

PKP/PN/SAR-1/29.06.2022/5P/8C