



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 14/07/2022
PRONOUNCED ON: 18/07/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.12239, 12242, 12243 and 12252 of 2022

Crl.O.P. (MD)No.12239 of 2022:

Rathnamala

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
CBCID Police Station, Theni.
Crime.No.2 of 2022.

... Respondent/Complainant

Crl.O.P. (MD)No.12242 of 2022:

Rathnamala

... Petitioner/Accused No.5

Vs

The State Rep. By,
The Inspector of Police,
CBCID Police Station,
Theni.
Crime No.3 of 2022.

... Respondent/Complainant

Crl.O.P. (MD)No.12243 of 2022:

Rathnamala

... Petitioner/Accused No.5

Vs

The State Rep. By,
The Inspector of Police,
CBCID Crime Branch,
Theni.
(Crime No. 1 of 2022).

... Respondent/Complainant

Crl.O.P. (MD)No.12252 of 2022:

Rathnamala

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
Department of Vigilance and Anti
Corruption, Theni.

... Respondent/Complainant



For Petitioner
in all petitions : Mr.Sricharan Rangarajan, Advocate
for Mr.S.Ramsundar Vijayaraj, Advocate

For Respondent
in all petitions : Mr.Veerakathiravan
Additional Advocate General
Assisted by
Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos. 2, 3, 1 and 2 of 2022 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner/accused No.3 in Crl.O.P.(MD)No.12239 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), 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, Section 13(2) r/w 13(1)(a) of Prevention of Corruption Act (Amended) Act 2018, in Cr.No.2 of 2022, seeks anticipatory bail.

2. The petitioner/accused No.5 in Crl.O.P.(MD)No.12242 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), 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.3 of 2022, seeks anticipatory bail.

3. The petitioner/accused No.5 in Crl.O.P.(MD)No.12243 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477(A), 468, 471, 472, 109 I.P.C., and Sections 13(2) and 13(1)(c), Section 13(1)(d)(i) of Prevention of Corruption Act, 1988 r/w 13(1)(a) of Prevention of Corruption Act (Amendment) Act 2018 in Cr.No.1 of 2022, seeks anticipatory bail.

4. The petitioner/accused No.3 in Crl.O.P.(MD)No.12252 of 2022, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 379, 409, 465, 167, 477(A), 468, 471 r/w 109 I.P.C., and Section 7, 13(c), 13(i), (d)(i), 13(i)(a) r/w 13(2) and 12 of Prevention of Corruption Act, 1988, Section 7, 8(i), 13(i)(a) r/w 13(2) and 12 of Prevention of Corruption Act (Amendment) Act 2018, in Cr.No.2 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. No doubt, the petitioner's first application for anticipatory bail was considered along with the applications of other co-accused and this Court has passed the common order dated 02.03.2022, directing the petitioners therein including the present petitioner to appear before the respondent police with all available records within a period of 10 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 them if necessary for custodial interrogation.

7. In the second application for anticipatory bail, the petitioner has averred that in pursuance of the directions of this Court, vide common order dated 02.03.2022, she appeared before the DCB as well as DVAC and CBCID on several occasions and gave several statements in writing and that despite such cooperation, the respondent police has arrested another accused, who was also given similar directions in the said common order, dated 02.03.2022. This Court, after hearing the objections raised by the learned Additional Advocate General appearing for the respondent, dismissed the second petition, vide common order dated 24.06.2022.

8. It is pertinent to note that all the pleas and points now raised by the petitioner in the present third applications have already been dealt with by this Court in the earlier order dated 24.06.2022.

9. The learned Counsel for the petitioner would mainly contend that the second application was dismissed for the reason that the petitioner has not attended the enquiry and that the petitioner has attended enquiry on 29.01.2022 and 16.03.2022 and submitted her representation to the respondent police.

10. No doubt, the learned Additional Advocate General appearing for the respondent, at the enquiry in the second application, has submitted that the petitioner had appeared before the concerned police for two days only and thereafter, she has failed to appear and also failed to produce the records sought for by the concerned police. When the present applications are taken up for hearing, the learned Additional Advocate General has reiterated the same version and submitted that the petitioner had attended the hearings on



17.03.2022 and 24.03.2022 and thereafter, she has neither produced nor produced the records.

11. The learned Counsel for the petitioner would submit that the petitioner is ready to co-operate with the respondent police for enquiry and that she may be given interim protection so as to enable her to appear before the concerned police for enquiry.

12. At this juncture, the learned Additional Advocate General appearing for the respondent would submit that the direction as given in the common order date 02.03.2022 may be issued again directing the petitioner to appear before the concerned police for enquiry along with the documents within a time stipulated by this Court and that the concerned police will not disturb her meanwhile.

13. Considering the submissions made by the learned Counsel for the petitioner as well as the learned Additional Advocate General appearing for the respondent and also taking note of the dismissal of the second application on 24.06.2022, this Court is of the view that the petitioner may be given one more opportunity and hence, the petitioner is 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 her, 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. In the result, the Criminal Original Petitions are disposed of with the above directions.

sd/-

18/07/2022

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/07/2022

Sub-Assistant Registrar (C.S.)
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,
POLICE STATION, THENI.

<https://www.mhcc.gov.in/>



2. THE INSPECTOR OF POLICE,
CBCID CRIME BRANCH,
THENI.

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

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

+4 CC to M/s.S.RAMASUNDARVIJAYRAJ, Advocate (SR-7273, 7274, 7275 &
7276[I] dated 18/07/2022)

ORDER

IN

CRL OP(MD)Nos.12239, 12242,
12243 and 12252 of 2022

Date :18/07/2022

SSL

USK/JM/SAR-III/21.07.2022/5P/9C