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

Date : 14/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12404 of 2022

K.A.Kalaimugil

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
CBCID, Tirunelveli.
(Crime No.2 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Rajaraman R, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 465, 471, 120(B), 379 IPC r/w Section 21(1)(IV) of Mines and Minerals (Development and Regulation) Act, in Crime No.2 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Boomi has obtained license in the name and style of Boomi M-Sand Storage Yard at South Kallidaikurchi Part-II Village, by creating forged documents, for mining sand from 280 acres of patta land. During the investigation, it was found that 23 persons were involved in the above said offence, which took place during the period between 28.03.2020 and 10.07.2020. On the basis of complaint given by the Zonal Deputy Tahsildar, Ambasamudram, this case has been registered, which was



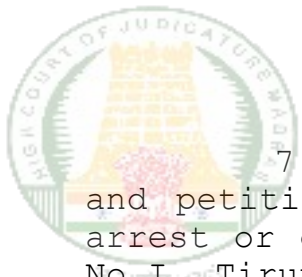
later transferred to CBCID on 20.07.2021. Seeking anticipatory bail the petitioner/Accused No.2 has moved this petition.

3. The learned counsel for the petitioner submitted that the allegation against her is that while she was working as an Assistant Engineer at Agricultural Engineering Department, Cheranmadevi during the year 2019-20, has made irregularities in the estimate containing wrong particulars of the beneficiaries, who applied for forming Farm Ponds in their patta lands under the Government subsidized schemes.

4. It is further alleged that the above said Farm Ponds were formed in different survey numbers other than mentioned in the estimates. Corrections were also made in the list of all beneficiaries. Thereby, she caused loss to the tune of Rs.7 Lakhs to the Government. The beneficiaries also stolen sand from the Form Ponds. The learned counsel for the petitioner also submitted that she made physical inspection and prepared arrangement for the beneficiaries to produce documents and they have been produced and scrutinized. She has also followed the instructions of her superiors. Departmental proceedings has also been initiated against the petitioner and the total loss amount of Rs.7 Lakhs was ordered to be recovered from her salary.

5. It is noted that a huge scam occurred in the relevant period viz., 28.03.2020 to 10.07.2020 and repeated anticipatory bail petitions have been filed by several persons before this Court. The first accused, who is the prime person involved in the above said scam, was enlarged on anticipatory bail. When another application was heard by this Court, the Deputy Superintendent of Police was appeared before this Court and submitted that since huge quantity of sand is involved in this issue, if anticipatory bail is granted to the accused persons, they may hamper the investigation. It was also informed to the Court that they are going to file a petition for cancellation of anticipatory bail, which was granted to the first accused. But what happened after that is not known. When this petition was heard, the Court enquired the Inspector of Police, who was present before this Court about the subsequent development and she has stated that no such petition for cancellation of anticipatory bail was moved by the respondent Police. Hence, this Court is not in a position to understand the stand of the respondent Police. When the prime accused has been enlarged on anticipatory bail, the objection made against other persons for enlarging them on anticipatory bail may not help the prosecution in any way and only conditional order can be imposed to the petitioner to appear before the respondent Police and co-operate with the investigating agency. Since departmental proceedings also initiated against the petitioner, loss occurred to the Government also recovered from the petitioner's salary.

6. In the above said facts and circumstances, I am of the considered view that the petitioner is entitled for anticipatory bail.



7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Tirunelveli on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and since the petitioner is working in the Government Department, she must appear before the respondent Police on Sunday at 10.30AM, until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
14/07/2022

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

PNM
TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CBCID, TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAJARAMAN R Advocate SR.No.7147

ORDER
IN
CRL OP(MD) No.12404 of 2022
Date :14/07/2022