



WEB COPY

CRL OP(MD). N



22

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

Date : 18/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18386 of 2022

Rasathi

... Petitioner/Accused No.27

Vs

1. The Inspector of Police,
CBCID South Police Station,
Theni, Theni District.
(Crime No.3/2022).

2. The Deputy Superintendent of Police,
Madurai Range,
Vigilance and Anti Corruption,
Theni.

... Respondents/Complainants

For Petitioner : Mr.B.Saravanan, Advocate
for Mr.C.Jeganathan, Advocate.

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

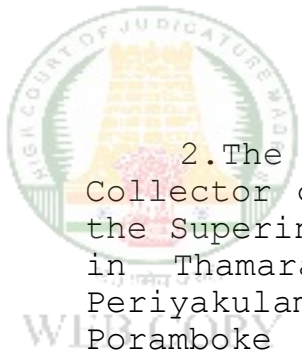
PRAYER :-

For Anticipatory Bail in Cr No.3/2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/A27, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 409,
465, 466, 468, 477A, 471, 472 and 109 IPC, Sections 13(2) r/w 13(1)
(c), 13(1)(d)(i) and 13(1)(a) of Prevention of Corruption Act in
Crime No.3 of 2022, seeks bail.

<https://www.mhc.tn.gov.in/judis>

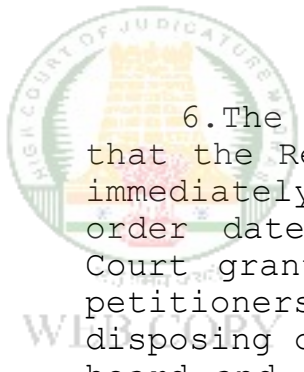


2.The case of the prosecution is that on 23.12.2021, Sub Collector of Periyakulam, Theni District, lodged a complaint before the Superintendent of Police, Theni District, stating that the lands in Thamaraikulam Village and Vadaveeranaickenpatti Village of Periyakulam Taluk, Theni District, were classified as Government Poramboke Tharisu land, 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 learned counsel for the petitioner would submit that the petitioner has applied for patta under the landless poor category during the year 2008, based on such application, the patta was issued to her. But subsequently, the de-facto complainant lodged the complaint by alleging that there are no proceedings available in his department for granting patta to the petitioner. After a lapse of 13 years, the said patta was cancelled by the District Collector without following the due process of law. Subsequently, the purchaser filed a writ petition and the said writ petition is pending. He would further submit that after the lapse of 13 years, the present complaint has been foisted against the petitioner without any valid reasons. He would further submit that the co-accused were already granted bail by this Court. Hence, he prays for anticipatory bail.

4.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 pursuance of the said assignment of lands. He would further submit that one Annaprakash/A9, who is the main accused in this case, had arranged to transfer the Government lands in favour of his relatives, the petitioner herein and thereafter, had taken a sale deed from them.

5.The learned counsel for the petitioner would further submit that the concerned Tahsildar has passed an order of cancelling the pattas issued and thereafter, the said 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.



6.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. He would further submit that originally the case was registered by the District Crime Branch, Theni, in Crime No.18 of 2021 and subsequently, the case was transferred to CBCID, Theni, and FIR came to be registered in Crime No.3 of 2022 on their file. He would further submit that this Court, while considering the anticipatory bail application of an accused, in a connected case, has passed an order directing the petitioner therein to appear before the CBCID with all available documents within 10 days and the CBCID, after perusing the records, shall get permission from the concerned Judicial Magistrate Court and arrest the accused if necessary for custodial interrogation.

7.Further, the learned Additional Advocate General relied upon the order of this Court in Crl.O.P.(MD)Nos.1829 and 1990 of 2022, dated 09.02.2022, wherein, this Court, has specifically observed that the custodial interrogation of the petitioner was very much necessary to unearth the truth and dismissed the petition.

8.It is seen that the above two applications have been filed by the Government officials, who had cleared the files and who are shown as the main accused and that therefore, dismissal of those petitions cannot be taken into account, while considering the petitions of the petitioner herein. It is further seen that the said Anna Prakash with whom the petitioner is connected has already been arrested and released on bail by this Court and he is one of the main accused and he had only arranged the transactions.

9.The learned Additional Advocate General would further submit that the offence is very serious in nature and the custodial interrogation of the petitioner is very much necessary in this case and all the Government officials are arrested in this case and some of the accused were released on bail. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

10.Considering the above facts and circumstances of the case and also considering the worth of the property and also the fact that all the Government officials are arrested in this case and the custodial interrogation of the petitioner is very much necessary in this case, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.



11. Accordingly, this Criminal Original Petition is dismissed.

sd/-
18/10/2022

WEB COPY

/ TRUE COPY /

/12/2022

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

TO

1. THE INSPECTOR OF POLICE,
CBCID SOUTH POLICE STATION, THENI,
THENI DISTRICT.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
MADURAI RANGE,
VIGILANCE AND ANTI CORRUPTION, THENI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.JEGANATHAN C Advocate SR.No.50223(F), DATED :
19.10.2022.

ORDER
IN
CRL OP(MD) No.18386 of 2022
Date :18/10/2022

SJI
USK/BUC/SAR-IV/07.12.2022/4P/5C