



Crl.O.P.No.1040 of 2023

Crl.O.P.No.1040 of 2023

WEB COPY

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 167, 197, 420, 465, 468, 471 of IPC and Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act in Crime No.5/AC/2022 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant is that the petitioner/A8, who is the President of the Sri Konur Kaliamman Small Farmers Lift Irrigation Association, Pothanur, applied Government order for lift irrigation in the year 2006 and the Government order in G.O.Ms.No.331, Public Works (N1) Department dated 12.10.2007 covered 250 acres of lands for irrigation, whereas, A8 instead of executing work in the above said lands started laying pipelines to supply river water to the villages which were not listed in the above said Government order without any authorization by obtaining several lakhs of rupees from those villagers. He has also made a representation



for marking necessary amendment to include the new villages where the pipelines were laid against the said Government order by removing other three villages. The further allegation is that the petitioner along with the other accused conspired together with a dishonest intention to obtain pecuniary gain, created false certificates with fictitious survey numbers, which were signed by A3 to A7 and by obtaining gratification from A8, created no objection statement of farmers by forging their signatures to strengthen his representation. The further allegation is that by utilizing the HT electricity power connection obtained for the said association to other association which are under the control of A8 and by consuming excess electricity which are under the control of A8, and by consuming excess electricity power, caused loss to the government exchequer. Hence, the case.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that they will abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory



Crl.O.P.No.1040 of 2023

bail to the petitioners.

WEB COPY

4. The learned Government Advocate (Crl.side) for the respondent police raised objection stating that the lift irrigation scheme for the welfare of the small farmers introduced by the State Government was misused by the accused including Government officials, by fabricating the forged documents. He also submitted that investigation is at crucial stage, if the petitioners are granted anticipatory bail at this stage, then there will be possibility of tampering the witnesses, abscondance and hampering of investigation. Hence, he raised strong objection for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor raised strong objection for the grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.



WEB COPY



Crl.O.P.No.1040 of 2023

T.V.THAMILSELVI, J.

jai

7.Considering the facts and circumstances of the case, gravity of offence and the stage of investigation, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition for anticipatory bail stands dismissed.

19.01.2023

Jai

Crl.O.P.No.1040 of 2023