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Crl.O.P.No.1734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.1734 of 2023

Subramani,
S/o.Dharmalingam

.. Petitioner

Vs.

State represented by
The Inspector of Police,
CBCID – North Police Station,
Vellore Dt.
(Crime No.01 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.01 of 2022 on the file of respondent police.

For Petitioner : Mr.V.Karthik,
Senior Advocate for
Mr.Adithya Varadharajan

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.01.2023 for the alleged offence under Sections 166, 167, 420 and 120(b) of I.P.C. and subsequently it was altered into Sec.166, 167, 420, 465, 467, 468, 471, 409, 120 (b) of I.P.C. in Crime No.01 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that during the Kharif Marketing Season, upon the request made by the farmers, the Central Government approved for the direct procurement of paddy from the farmers through the direct procurement centres, which was under the control District Collector. After the approval of District Collector and upon verification of Patta and Chitta of farmer or the VAO certificate, the Tamil Nadu Civil Supplies Corporation permitted for direct procurement of paddy from the farmers. However, the defacto complainant alleged in his complaint that during 01.10.2020 to 30.09.2021, the officers along with staff, who worked in Tamil Nadu Civil Supplies Corporation at Vellore Regional office in the direct paddy procurement centres, in collaboration



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with individuals procured paddy without proper scrutiny and also cheated the Government by not implementing the government scheme properly for personal gain and misuse of State Scheme, thereby caused loss to the tune of Rs.315 crores to the State Government by not giving incentives to the farmers. Hence, the complaint.

3. The learned senior counsel for the petitioner submitted that the petitioner was working as a Senior Manager, Quality Control at Chennai from the period 03.06.2019 to 30.06.2022 and retired from service on 30.06.2022. He would submit that his role is very limited and his duty is to ascertain quality of paddy. He would submit that at no point of time, he was directly involved in the procurement of paddy through direct procurement centres and he neither administratively incharge of Vellore District at the relevant point of time nor was in any manner in the procurement process. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police and he has been falsely implicated in this case. He would submit that his name was not found in the F.I.R. and subsequent to registration of F.I.R., he was implicated as accused. He would submit that he is



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working at head office of TNCSC and the procurement is made in the paddy field. He would submit that no notice under Sec.41 of Cr.P.C. was issued to him and co-accused viz., Superintendent and Regional Manager of TNCSC, Vellore Region were released on bail by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 25 days from 04.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, 33 accused involved in this case and the petitioner is arrayed as A13. He would submit that he is working as a Senior Manager between 01.10.2020 to 30.09.2021 and he is the head of department. He would also submit that the petitioner is very much aware of the irregularity and on colluding with other accused, he has caused loss to the State, for which he has received commission. He would submit that almost most of the accused are arrested and some of the petitions seeking for bail filed by the accused are dismissed and now they are in judicial custody. He would submit that more than a crore amount was involved in this case and he is also one of beneficiaries. He would also submit that if he is released on bail, the would tamper the



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witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and also the fact that the investigation is almost completed, now he retried and having permanent residence at Chennai and co-accused also released on bail and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is **directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) into the credit of Crime No.01 of 2022 before the concerned Magistrate from the date on which, the order is made ready** and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate-III, Vellore**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass



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Book to ensure their identity;

(b) the petitioner shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m. for the period of three months;

(c) the petitioner shall not leave India without consent of court concerned.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

30.01.2023

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1. The Judicial Magistrate-III, Vellore.
2. Inspector of Police,
CBCID North Police Station, Vellore Dt..
3. The Superintendent of Prison,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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