



Crl.O.P.No.31742 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM:

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

Crl.O.P.No.31742 of 2022

K.Narmatha

... Petitioner

Vs.

The State represented by
The Inspector of Police,
DCB, Kancheepuram.
(Crime No.12 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.12 of 2021 on file of the respondent police.

For Petitioner : M/s.N.R.Elango (Senior Counsel)
for M/s.Aruna Elango
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



CrI.O.P.No.31742 of 2022

ORDER

WEB COPY

The petitioner who apprehends arrest for the alleged offences punishable under Sections 120 B, 465, 468, 471, 477 A, 420 read with Section 34 of IPC in Crime No.12 of 2021, seeks anticipatory bail.

2. This Court on 06.01.2023 had granted anticipatory bail to the petitioner, but the order was not signed. In the meanwhile immediately it is brought to the knowledge of this Court that Contempt Petition No.642 of 2020 is pending before another Bench of this Court. Registry was directed to list this petition again today under the caption “for clarification”. Accordingly, the petition is taken up for hearing again today.

3. For the sake of convenience, the accused, as mentioned in the FIR and in the alteration report and also the other papers, who have been implicated in the crime, will be referred to either by the rank as assigned to them or by their name/designation, as no rank is assigned to them either by the law enforcing agency or the Court as shown hereunder:-



WEB COPY



CrI.O.P.No.31742 of 2022

<i>S.No.</i>	<i>Name of the Accused</i>	<i>Array of Accused/Name/ Designation in which they will be referred</i>
1	Ashish Jain @ Ashish Mehta	A-1
2	Shanmugam	A-2
3	Radhakrishnan	A-3
4	Selvam	Selvam
5	Vijayakumar	Vijayakumar
6	Narmada	RO (NHA-LA)
7	Thenmozhi	Special Tahsildar (NHAI-LA)
8	Varatharajan	Retd.Surveyor
9	Hanumantha Rao	Hanumantha Rao

4. Before adverting to the prosecution case, the way in which the lands have changed hands could be stated briefly for better understanding of the case. A-1 had entered into an agreement in the year 2000 with the vendor Venugopal and purchased the lands through registered sale deed in the year 2004, for which he had obtained settlement patta even in the year 2000. Thereafter, A-1 had executed a Power of Attorney in favour of Vijayakumar. Acquisition proceedings



were notified in the year 2016 and the Power of Attorney, Vijayakumar, sold a portion of land to Hanumantha Rao in the year 2018 for an extent of about 970 Sq.mtrs. Thereafter, Hanumantha Rao executed a Power of Attorney in favour of Selvam in the year 2018 and in the very same year, Selvam purchased the property from Hanumantha Rao. Thereafter, during July, 2018 or thereabout, compensation was paid for the lands by the DRO (NHAI-LA), which was received by A-1 and Selvam.

5. It is the case of the prosecution that in the proceedings relating to acquisition of lands for the Chennai-Bangalore National Highway, in the year 2016 based on a forged document, A-1, in connivance with A-3, who was the Assistant Settlement Officer and Tahsildar, had obtained settlement patta and patta was shown as “ Punjai Anadheenam” for the lands, which were “Meikal Anadheenam lands”, and using the said patta and the forged documents, A-1 had received compensation in a sum exceeding Rs.30 Crores for the said lands, which were acquired and that the petitioner herein, who was the DRO (NHAI-LA) and Retired Surveyor along with the Special Tahsildar (Land Acquisition), without



CrI.O.P.No.31742 of 2022

properly verifying the documents and the title of A-1 to the said lands and the genuineness of the documents placed before them, connived with A-1 and settled the sum exceeding Rs.30 Crores to A-1 and, thereby, caused heavy loss to the Government exchequer. The present Tahsildar/Defacto complainant had lodged the complaint which was taken on file and registered, leading to the investigation by the law enforcing agency.

6. The learned Senior Counsel appearing for the petitioner submitted that the alteration report is nothing but misuse of power by the respondent to rope in the petitioner, who has not done anything wrong. It is further submission of the learned Senior Counsel that the duty of the petitioner is to verify the document placed before her and only to ascertain the title of the property with the said document. In the present case, the authorities, viz., A-2 and A-3 have perused the documents and have issued the patta and based on the said document and patta, the petitioner had merely computed the compensation and paid the same to A-1 and for doing her lawful act, she cannot be attributed with any



Crl.O.P.No.31742 of 2022

mala-fide. Hence, he prays to grant anticipatory bail to the petitioner.

WEB COPY

7. The learned Government Advocate (Criminal Side) submitted that the petitioner conspired with A-1 and Mr.Selvam and illegally misappropriated huge amount through forged documents and the duty of the petitioner is to verify the document placed before, her but she failed to discharge her duties and she is involved in another crime also. He also stated that A1, A4 and A7 were already arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner/A6. Now the prosecution brought to the knowledge of this Court about the pendency of the Contempt Petition No.642 of 2020 pending against this petitioner also reveals that inspite of the order of this Court she disbursed the compensation to other accused.

8. Heard the learned Senior Counsel appering for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the material available on record.



Crl.O.P.No.31742 of 2022

9. The entire transaction reveals that there are many lapses in the mutation of revenue records, grant of patta, execution of sale deed and sale agreement and payment of compensation, which required a detail investigation. As per the prosecution that petitioner herein failed to discharge her duties and she is also involved in another Crime Number 4 of 2021 of like nature. If the petitioner is granted anticipatory bail at this stage, then there will be possibility of tampering the witnesses and hamper the investigation and on seeing that gravity of offence, custodial interrogation is necessary to unearth the truth. Hence, this Court is not inclined to grant the relief sought for in this petition. Accordingly, this Criminal Original Petition is dismissed.

27.01.2023

jai



Crl.O.P.No.31742 of 2022

T.V.THAMILSELVI,J.

jai

To

- 1.The Judicial Magistrate-I,
Kancheepuram.
- 2.The Inspector of Police,
DCB, Kancheepuram.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.31742 of 2022

27.01.2023