



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

Date : 18/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7131 of 2023

M.Nathiya

... Petitioner/Accused No.28

Vs

1.The Deputy Superintendent of Police,
Madurai Range,
Vigilance and Anti-Corruption,
Theni District.

2.The Inspector of Police,
CBCID South Police Station,
Theni,
Theni District.
(Crime No.03/2022)

... Respondents/Complainants

For Petitioner : Mr.B.Saravanan
Senior Counsel
for M/s.Jeganathan.C,
Advocate.

For Respondent : Mr.Veera Kathiravan
Assisted by
Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.03 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.28, 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 of I.P.C., and under Sections 13(2) r/w 13(1)(c), 13(1)(d)(i) and 13(1)(a) of the Prevention of Corruption Act in Crime No.03 of 2022 on the file of the respondent police, seeks anticipatory bail.

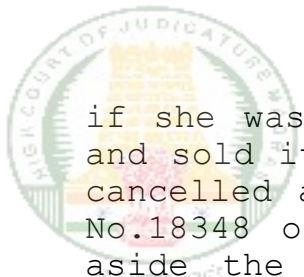
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2. The case of the prosecution is that the Revenue Divisional Officer, Periyakulam/defacto complainant lodged a complaint against the petitioner and others before the Superintendent of Police, Theni, alleging that patta has been granted in favour of Accused No.9 and his relatives by Accused Nos.1 to 8 without obtaining any proper orders for granting the said patta in respect of a portion of land comprised in Survey No.1254/1A, 1257/1A, 1257/2B, 2187/3A and other survey numbers situated at Vadaveeranaickenpatti Village, Theni District. It is further alleged that Accused Nos.1 and 2 have used their username and password in Tamilnilam Software and uploaded the documents for the alleged issuance of the patta and further alleged that Accused Nos.3 to 6 had recommended and based on such recommendation Accused Nos.7 and 8 granted approval for issuing the said patta in favour of the petitioner and others, and it is further alleged that the petitioner sold the said lands in favour of her brother / Accused No.15 more fully alleging that her illegal enrichment. Hence, the complaint.

3. The learned Senior Counsel for the petitioner would submit that the petitioner has been falsely implicated as an accused. The name of the petitioner was not found in the F.I.R. Now, it has been alleged that the petitioner has illegally obtained patta in respect of the Government lands and sold the same to third parties. In fact, the petitioner applied for a patta under the Landless Poor Scheme during the year 2008. Considering her application, she was granted patta. On the strength of the same, she sold her property to Accused No.15. Now, the defacto complainant lodged the complaint alleging that the petitioner fabricated the patta. With regard to the issuance of patta in favour of the petitioner, she was issued patta in the year 2008 and thereafter, she was in peaceful possession and enjoyment of the said property without any hindrance. During the year 2019, the petitioner sold her property in favour of Accused No.15, all of a sudden, that too, after a lapse of 13 years, now the District Collector cancelled the patta without any notice and without giving any opportunity to the petitioner. Therefore, the cancellation of patta has been challenged before this Court in W.P(MD)No.18348 of 2021 and this Court, by order, dated 08.10.2021, set aside the order passed by the District Collector. However, the District Collector filed a Review Application (MD)No.97 of 2021 and the same is pending. Therefore, the custodial interrogation of the petitioner does not require and prayed for granting anticipatory bail to the petitioner.

4. The learned Additional Advocate General appearing for the respondent would submit that the petitioner was never assigned any land. The petitioner stated that she was granted patta. On the strength of the patta, she had sold the subject property to a third person. The entire land belonged to the Government and no land was assigned in favour of the petitioner or any one of the accused



if she was assigned with patta in respect of the subject land by and sold it to third parties. Therefore, immediately, the patta was cancelled and the same was challenged before this Court in W.P(MD) No.18348 of 2021 and this Court, by order, dated 08.10.2021, set aside the impugned order. Hence, the District Collector filed a Review Application (MD)No.97 of 2021 and this Court, by order, dated 01.11.2021, granted an order of interim injunction and the said review application is pending before this Court.

5.The learned Additional Advocate General appearing for the respondent would further submit that the Government officials had grabbed the Government lands to the value of several crores and it would 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 in favour of the relatives of the Government officials through online and subsequently they created encumbrance over the property. The main accused one Annaprakash had arranged to transfer the Government lands in favour of his relatives. The other accused persons have also filed anticipatory bail applications before this Court and this Court dismissed the anticipatory bail applications and opposed to grant anticipatory bail to the petitioner.

6. Heard the learned counsel appearing on either side. Perused the materials available on record, including the First Information Report.

7.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 were arrested in this case and the custodial interrogation of the petitioner is very much required in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-

18/04/2023

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

PS

TO

1.The Deputy Superintendent of Police,
Madurai Range,
Vigilance and Anti-Corruption,
The City District.

<https://www.mca.gov.in>



CRL OP(MD).



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2.The Inspector of Police,
CBCID South Police Station,
Theni,
Theni District.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7131 of 2023
Date : 18/04/2023

NA/CG/SAR-4/26.04.2023/4P/4C