



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

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PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). Nos.7714, 8491 and 8501 of 2023

1.Muthu
2.P.Ramesh
3.G.Balu
4.R.Suresh

...Petitioners/Accused Nos.34,15,30,17
in Crl.O.P. (MD)No.7714/2023

Suresh

...Petitioner/Accused No.10
in Crl.O.P. (MD)No.8491 & 8501/2023

Vs

State rep.by
The Deputy Superintendent of Police,
CBCID, Madurai Range,
CBCID, Theni District.
(in Crime No.3 of 2022 & (*) 1 of 2022)

...Respondent/Complainant
(in all petitions)

In all petitions:

For Petitioners: M/s.B.Saravanan
for Mr.D.Kirubakaran

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

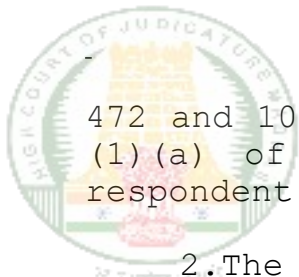
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.3 of 2022 & (*) 1 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners in Crl.O.P.(MD)Nos.7714 and 8501 of 2023/A34,
15, 30, 17 and 2 in Crime No.3 of 2022 and the petitioner in
Crl.O.P.(MD)No.8491 of 2023/A10 in Crime No. (*) 1 of 2022 who were
arrested and remanded to judicial custody on 11.04.2023 for the
offences punishable under Sections 409, 465, 466, 468, 477A, 471,



472 and 109 IPC and Sections 13(2) r/w 13(1)(c), 13(1)(d) (i) 13(1)(a) of the Prevention of Corruption Act on the file of the respondent police, seek bail.

2.The case of the prosecution is that the Revenue Divisional Officer/defecto complainant had lodged complaints against the accused herein alleging that patta had been granted to some of the accused illegally by the first accused in both the cases without obtaining any proper orders for granting patta in respect of the lands situated at Vadaveeranaikenpatti and Thamaraiikulam Villages, Theni. Some of the Government Officials had used their user names and password in Tamil Nilam Software and uploaded the documents with the collusion of other officials, who are also arrayed as accused in these cases. Further, the said lands were sold.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in these cases. The petitioners in Crl.O.P.(MD)No.7714 of 2023 are illiterate. They were granted patta under the Landless Poor Scheme during the year 2008. Now after lapse of 13 years, the said pattas are cancelled without issuing any notice to the petitioners. The petitioner in Crl.O.P.(MD)Nos.8501 and 8491 of 2023 was working as a Village Administrative Officer at the relevant point of time. The allegation that the user name and password of this petitioner is used for the illegal issuance of patta is not true and VAO does not have any right to issue patta in respect of the Government lands. Hence, prays for allowing these petitions.

4.The learned Additional Public Prosecutor appearing for the respondent raised objections stating that the petitioners in Crl.O.P.(MD)No.7714 of 2023 colluded with the Government Officials committed the crime of registering illegal patta in respect of the government land. The petitioner in Crl.O.P.(MD)Nos.8501 and 8491 of 2023, who is being a Government servant, colluded with the other accused and tried to grab the Government lands. Hence, opposed to grant bail to the petitioners.

5.The learned Additional Public Prosecutor submitted that the illegal patta and the subsequent sale deeds made in favour of some of the accused are cancelled and the lands are now in the custody of the Government.

6.Taking into consideration the facts and submissions made by the learned counsel, this court is inclined to grant bail to the petitioners subject to the following conditions:

(i) Accordingly, the petitioners are 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 (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the

<https://www.mca21.com> Chief Judicial Magistrate, Theni:



(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

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(iii) the petitioners shall report before the respondent police every Wednesday at 10:30 a.m., for a period of three months and thereafter as and when required for interrogation by the respondent police.

(iv) the petitioners shall not tamper with evidence or witness;

(v) the petitioners shall not abscond during trial;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***.

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/05/2023

**(*) Amended as per order of the court dated
24/05/2023 in Crl MP(MD)No. 7672 of 2023 in
Crl MP(MD)No. 8491 OF 2023 by PVMJ**

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24/05/2023

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

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TO

TO BE SUBSTITUED WITH THE ORDER DATED 17/05/2023 ALREADEY DESPATCHED

1. The Chief Judicial Magistrate, Theni.
2. The Superintendent,
Central Prison Theni.
3. The Deputy Superintendent of Police,
CBCID, Madurai Range,
CBCID, Theni District.



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

+2 CC TO M/S.C.JEGANATHAN, Advocate, SR.No.7572(I) & 7809(I)

ORDER

IN

CRL OP (MD) Nos.7714, 8491
and 8501 of 2023

Date : 17/05/2023

NA/VR/SAR- /17.05.2023/4P/6C

CSM

PKP/ /SAR- /24.05.2023/ **4P/7C**