



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

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

CRL OP(MD) . No.9366 of 2023

1. Dharmar,
2. Abimannan,
3. Muthuraj, ... Petitioners/Accused 16,31 & 36

Vs

The State rep.by
The Deputy Superintendent Of Police, CBCID,
Madurai Range, CBCID,
Theni
(Crime No.3 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Jeganathan.C,
Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.3 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 09.05.2023 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) and 13(1)(a) of the Prevention of Corruption Act in Crime No.3 of 2022 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 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. Hence, prays for allowing these petitions.

4.The learned Additional Public Prosecutor appearing for the respondent raised objections stating that the petitioners are colluded with the Government Officials committed the crime of registering illegal patta in respect of the government land. 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 learned 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;

(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/-

18/05/2023

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19/05/2023

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

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TO

1 THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, THENI.

3 THE DEPUTY SUPERINTENDENT OF POLICE, CBCID,
MADURAI RANGE, CBCID,
THENI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEGANATHAN.C Advocate SR.No.7688

ORDER

IN

CRL OP(MD) No.9366 of 2023

Date :18/05/2023

SA/CG/SAR. /19.05.2023/3P/6C