



WEB COPY

1.Crl.O.P(MD)No



3:-

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

RESERVED ON : 20.06.2023

PRONOUNCED ON : 22.06.2023

PRESENT

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

Crl.O.P (MD) Nos.10767, 9362, 8983, 9411,
10770 & 10853 of 2023

1.Crl.O.P(MD)No.10767 of 2023:-

1.V.Vasagar

2.Dhanushkodi ... Petitioners/Accused Nos.37 & 38

Vs.

1.The Deputy Superintendent of Police,
CBCID, Madurai Range,
Madurai.

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

(Crime No.3 of 2022.)

... Respondents/Complainants

For Petitioners : Mr.B.Saravanan, Senior Counsel
for Mr.C.Jeganathan, Advocate

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

2.Crl.O.P(MD)No.9362 of 2023:-

1.M.Pakiyam

2.M.Santhi

3.Malar

4.Munugesan,

<https://www.mhc.in.gov.in/judis>



5.Jeyabal

... Petitioners /
Accused Nos.11 to 13, 29 & 35

Vs.

1.The Deputy Superintendent of Police,
CBCID, Madurai Range,
Madurai.

2.The Inspector of Police,
CBCID South Police Station,
Theni,
Theni District.
(Crime No.3 of 2022.)

... Respondents/Complainants

For Petitioners : Mr.B.Saravanan, Senior Counsel
for Mr.C.Jeganathan, Advocate

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

3.Crl.O.P(MD)No.8983 of 2023:-

V.Eswaran

... Petitioner / Accused No.40

Vs.

1.The Inspector of Police,
CBCID South Police Station,
Theni District.
(Crime No.3 of 2022.)

2.The Deputy Superintendent of Police,
Madurai Range,
Vigilance & Anti-Corruption,
Theni

... Respondents / Complainants

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for Mr.A.Mohan, Advocate

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor



4.Crl.O.P(MD)No.9411 of 2023:-

Sanmugam

... Petitioner / Accused No.39

Vs.

1.The Deputy Superintendent of Police,
CBCID, Madurai Range,
Madurai.

2.The Inspector of Police,
CBCID South Police Station,
Theni,
Theni District.
(Crime No.3 of 2022.)

... Respondents/Complainants

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

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

5.Crl.O.P(MD)No.10770 of 2023:-

1.Sivaneswari
2.Jeya
3.Pandi
4.Jeyamani
5.Latha
6.Selvakumar
7.Vasanthi
8.Rohini

... Petitioners/Accused Nos.18 to 25

Vs

1.The Deputy Superintendent of Police,
CBCID, Madurai Range,
Madurai.

2.The Inspector of Police,
CBCID South Police Station,
Theni,
Theni District.
(Crime No.3 of 2022.)

... Respondents/Complainants

For Petitioners : Mr.B.Saravanan, Senior Counsel
for Mr.C.Jeganathan, Advocate



For Respondents: Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

6.Crl.O.P(MD)No.10853 of 2023:-

Nareshkumar ... Petitioner/Accused No.33

Vs.

1.The Deputy Superintendent of Police,
CBCID, Madurai Range,
Madurai.

2.The Inspector of Police,
CBCID South Police Station,
Theni,
Theni District.
(Crime No.3 of 2022.)

... Respondents/Complainants

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

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

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

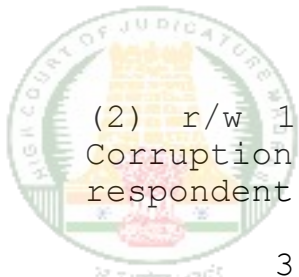
COMMON PRAYER :-

For Anticipatory Bail in Crime No.3 of 2022 on the file of the respondent police.

COMMON ORDER : The Court made the following common order :-

In Crl.O.P(MD)No.10767 of 2023, the petitioners/Accused Nos.37 and 38, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 468, 471, 472, 477A r/w 109 of I.P.C and under Sections 13(2) r/w 13(1)(c), 13(1)(d)(i) r/w 13(1)(a) of the Prevention of Corruption Act, 1988 in Crime No.3 of 2022 on the file of the respondent police, seek anticipatory bail.

2.In Crl.O.P(MD)No.9362 of 2023, the petitioners/Accused Nos.11 to 13, 29 & 35, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 468, 471, 472 and 109 of I.P.C and under Sections 13



(2) r/w 13(1)(c), 13(1)(d)(i) r/w 13(1)(a) of the Prevention of Corruption Act, 1988 in Crime No.3 of 2022 on the file of the respondent police, seek anticipatory bail.

3.In Crl.O.P(MD)No.8983 of 2023, the petitioner/Accused No.40, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477(A), 468, 471, 472 and 109 of I.P.C and under Sections 13(2) r/w 13(1)(c), 13(1)(d)(i) r/w 13(1)(a) of the Prevention of Corruption Act, 1988 in Crime No.3 of 2022 on the file of the respondent police, seeks anticipatory bail.

4.In Crl.O.P(MD)No.9411 of 2023, the petitioner/Accused No.39, 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) r/w 13(1)(a) of the Prevention of Corruption Act, 1988 in Crime No.3 of 2022 on the file of the respondent police, seeks anticipatory bail.

5.In Crl.O.P(MD)No.10770 of 2023, the petitioners/Accused Nos.18 to 25, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477A, 468, 471, 472 and 109 of I.P.C and under Sections 13(2) r/w 13(1)(c), 13(1)(d)(i) r/w 13(1)(a) of the Prevention of Corruption Act, 1988 in Crime No.3 of 2022 on the file of the respondent police, seek anticipatory bail.

6.In Crl.O.P(MD)No.10853 of 2023, the petitioner/Accused No.33, 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) r/w 13(1)(a) of the Prevention of Corruption Act, 1988 in Crime No.3 of 2022 on the file of the respondent police, seeks anticipatory bail.

7.The case of the prosecution is that the Revenue Divisional Officer, Periyakulam / de facto complainant has lodged a criminal complaint against the petitioners and others before the Superintendent of Police, Theni alleging that patta has been granted in favour of the Accused No.9 and his relatives by A 1 to A 8 without obtaining any proper orders for granting the said patta in respect of a portion of land comprised in Survey Nos.1254/1A, 1257/1A, 1257/2B, 2187/3A and other survey numbers situated at Vadaveeranaickenpatti Village, Theni District. It is further alleged that A1, A2 have used their username and password in Tamilnilam Software and uploaded the documents for the alleged issuance of the patta and further alleged that A3 to A6 had recommended and based on such recommendation A7 and A8 granted approval for issuing the said patta in favour of the petitioners and others and it is further alleged that the petitioner sold said lands in favour of one Murugan

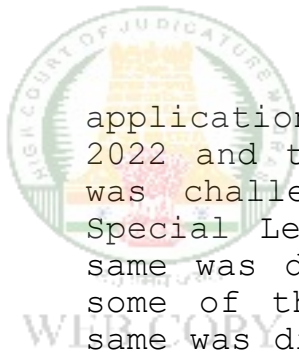


and others more fully alleging that for their illegal enrichment with the above allegations the case has been registered as against the petitioners and others in Crime No.3 of 2022.

8.Mr.B.Saravanan, learned senior counsel appearing for the petitioners in Crl.O.P(MD)Nos.10767, 9362, 9411, 10770 & 10853 of 2023 would submit that the petitioners have been falsely implicated in this case without any iota of evidence. Originally, the second respondent registered the F.I.R as against the revenue officials A.1 to A.8. Subsequently, all the other accused persons have been implicated as accused. In fact, the petitioners are in possession and enjoyment of the subject land for the past several years and they were issued 'B' memo. Accordingly, they are paying taxes and as such, they applied for patta under the Landless Poor Scheme in the year 2008. On the strength of the application, they were granted patta and they sold their property in favour of Annaprakash and other third parties. Therefore they are nothing to do with the allegations as alleged by the prosecution. The patta was granted during the year 2008 and till the sale of their property, they were in possession and enjoyment of the subject property. He further submitted that some of the accused were granted interim anticipatory bail by this Court and they are also regularly appearing before the respondent police for interrogation. Therefore, the custodial interrogation of the petitioners did not require and sought for anticipatory bail to the petitioners.

9.Mr.V.Kathirvelu, learned senior counsel appearing for the petitioner in Crl.O.P(MD)No.8983 of 2023 would submit that the petitioner was granted patta in respect of the property comprised in Survey No.814/2 to an extent of 2 acre 50 cents in Vadaveeranaickenpatti Village. It is originally belonged to his grandfather. 'B' memo was issued in the name of his grandfather, even in the year 1973. Therefore, his possession is categorically proved and thereafter, he was issued patta. Therefore, the present allegations are against only the revenue officials and as far as the petitioner is concerned, he is nothing to do with the alleged offence committed by the accused persons. He also produced 'B' memo notice and patta issued in respect of the land comprised in Survey No.814/2.

10.Per contra, Mr.Veera.Kathiravan, learned Additional Advocate General appearing for the respondents would submit that it is a huge scam which is looted by the accused persons consisting of 300 acres. The entire land is classified as 'poramboke land'. With the connivance of the revenue officials, the accused persons were granted patta in respect of the respective land. On the strength of the patta, they all had sold out the said land in favour of one Annaprakash, who is arraigned as Accused No.9. On the strength of the sale deed, they applied for a quarry license and they are doing quarrying in the subjective land and had taken so much of cubic feet sand and sold out. In fact, two petitioners filed Anticipatory bail



applications before this Court in Crl.O.P(MD)Nos.1829 and 1990 of 2022 and the same was dismissed, by an order dated 09.02.2022. It was challenged before the Honourable Supreme Court of India in Special Leave to Appeal (Crl.) Nos.1829 and 1990 of 2022 and the same was dismissed, by an order, dated 24.03.2022. Simultaneously, some of the petitioners filed Crl.O.P(MD)No.2783 of 2022 and the same was dismissed, by an order, dated 18.02.2022. It was challenged before the Honourable Supreme Court of India in Special Leave to Appeal (Crl.) No.2357 of 2022 and the same was dismissed, by an order, dated 04.04.2022. Therefore, there is absolutely no change in circumstances to consider the anticipatory bail petitions.

11.Heard the learned senior counsels appearing for the petitioners and the learned Additional Advocate General appearing for the respondents and perused the materials available on record.

12.On perusal of the records and the submissions made by the learned Additional Advocate General revealed that a huge extent of land was looted by the accused persons with the help of the Revenue Officials. The subject land is originally classified as 'poramboke'. They used the digital signature and within a short span of time, all the accused persons were issued patta for their respective land. On the strength of the patta, they had sold out the entire property in favour of A.9, namely, Annaprakash. Further, on the strength of the sale deed, he obtained a quarry license and quarried the land and thereby huge quantities of sand were quarried and sold out. Therefore, anticipatory bail petitions filed by some of the petitioners before this Court in Crl.O.P(MD)Nos.1829 and 1990 of 2022 and Crl.O.P(MD)No.2783 of 2022 were dismissed and the same were also confirmed by the Honourable Supreme Court of India. Though this Court granted interim anticipatory bail to the petitioners in Crl.O.P(MD)Nos.8983, 9362 and 9411 of 2023, by order, dated 18.05.2023, 18.05.2023 and 24.05.2023 respectively and directed some of the petitioners to appear before the respondent Police, no information was received while enquiry. Therefore, the custodial interrogation of the petitioners is very much required in this case and as such, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, these Criminal Original Petitions are dismissed.

sd/-
22/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS



To

1.The Deputy Superintendent of Police,
CBCID, Madurai Range,
Madurai.

2.The Deputy Superintendent of Police,
Madurai Range,
Vigilance and Anti Corruption,
Theni.

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

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

+5 CC to M/s.C.JEGANATHAN, Advocate (SR-9388[I] dated 22/06/2023)

ORDER

IN

Cr1.O.P(MD)Nos.10767, 9362,
8983, 9411, 10770 & 10853 of 2023

Date :22/06/2023

ED/VS/SAR- (04/07/2023) 8P 10C