



CRL OP(MD)No.18345 of 2023

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

Date : 13.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.18345 of 2023

K.B.Venkatesh

... Petitioner/ Accused Rank not known

Vs

1.The State Represented by
The Deputy Superintendent of Police,
CB-CID, Madurai.
(In Crime No.Not Known of 2023)

2.The Inspector of Police,
CB-CID, Madurai.

... Respondent/Complainant

For Petitioner : Mr.S.Nihar Ali, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.Not Known of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for



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the offences punishable under Sections 120-B, 420, 468, 471 & 477(A) IPC in Crime

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No. Not Known of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is the practising lawyer at Madurai District and he filed a petition in LAOP.No.01 of 2010 for withdrawal of the compensation amount as well as for enhancement of compensation amount in the name of P.S.Manoharan's father and in the enhancement proceedings, one person was examined as P.W.1, as if she was the mother of the above said P.S.Manoharan and an award was also obtained. But, the mother and father of the above said P.S.Manoharan was expired long back, before filing of the application and examination of witnesses. In this regard, the above said P.S.Manoharan has approached this Court and filed a writ petition in W.P.(MD) No.1668 of 2012 in which, this Court earlier directed the Additional Registrar (Vigilance), at Madurai Bench of Madras High Court to conduct detail enquiry and to file report before this Court. Thereafter, the Additional Registrar filed their report and based on the report, this Court finds that there were several irregularities in the whole process, by which, reference under Section 18 of the Land Acquisition Act was entertained and disbursement of compensation pursuant to reference under Section 30 & 18 of the Land Acquisition Act and thereafter, this Court has issued a direction that the entire records relating to the Vigilance report be handed over to the



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respondent police and also further directed the respondent police to proceed with the investigation in respect of other similar matters in the same Court or in such other Court which may come to light during the course of investigation. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that as per direction of this Court, the present case came to be registered. He would further submit that when the petitioner filed this petition, no case was registered. Now, a case in Cr.No.1 of 2023 for the offence punishable under Sections 120B, 467, 468, 477A, 419 and 420 IPC. At this stage, if anticipatory bail granted to the petitioner, it will affect the process of the investigation. Therefore, he strongly objected to grant anticipatory bail to the petitioner.

5.On perusal of records, it is noticed that an extent of 0.05.5 hectares in S.No.29/11-A and an extent of 0.47.0 hectares in S.No.32/1-B were acquired by the Government under Section 11 of the Land Acquisition Act. The father of P.S.Manoharan was dealing with the proceedings under Land Acquisition Act and the writ petitioner is not aware of the information about the entire proceedings.



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Thereafter, on enquiry he came to know that a sum of Rs.12, 707/- was passed in respect of the above lands and the same was deposited into the Court. He also came to know that there was a dispute as to whether the compensation to be paid to the Manager Thirumangalm Co-op Bank towards the loan to be paid by his father or to his father. His father was expired on 08.10.1994 leaving behind his wife Kamatchiammal and six children. Kamatchiammal also passed away on 25.04.2000. The matter was referred by the Land Acquisition Officer before the Court of law under Section 31 of the Land Acquisition Act. The petitioner in this petition, without any authorisation colluded with the Highway Authorities and Revenue Authority withdrew the amount deposited into the Court as though his father was alive and had setup few persons in the name of Saradha claiming to be the wife of his father. Both his father and mother were expired long ago, even before LAOP petition was taken on record. The entire proceedings had been actuated with an intention to commit fraud on the Court. A racket is functioning in every proceedings, when lands acquired are noted and in respect of land where the owners are abroad or not known, people are setup and great award amounts are swindle away. He came to know about the fraud committed only when he enhanced amount which deposited was about to be withdrawn by the petitioner herein in E.P.No.146 of 2010 in LAOP.No.1 of 2010. After came to know the same, he filed



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criminal complaint and also sent a representation to the Hon'ble Chief Justice, Hon'ble Principal District Judge and to the III Additional Sub Judge etc. On coming to know the fact, the petitioner not pressed the execution petition. A group has been operating in almost land acquisition cases ranging from advocates to officers of Court, who are involved in swindling award amount in respect of land owners who are either dead or living abroad. The petitioner herein has been employing similar modus operandi and filed LAOP petitions in respect of people who are dead long ago such as acquisition proceedings. The offence committed by the petitioner herein is very serious in nature. Hence, this Court is of the view, if anticipatory bail granted to the petitioner, it will affect the progress of the investigation. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

13/10/2023

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/11/2023

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

GNS

TO

1 THE DEPUTY SUPERINTENDENT OF POLICE,
CB-CID, MADURAI



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2 THE INSPECTOR OF POLICE
CB-CID, MADURAI.

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

+1 CC to M/s.R.RAJASELVAN, Advocate (SR-15170[I] dated 13/10/2023)

ORDER

IN

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Date :13/10/2023

SS/JGB/SAR- /16/11/2023/6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023