



CRL OP(MD) No.1861 of 2024

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

Monday, the Eleventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1861 of 2024

1 I.KRISHNAPILLAI

2 K.IYAPPA

... PETITIONERS / ACCUSED No.2 & 4

Vs

THE INSPECTOR OF POLICE
ACB MADURAI,
MADURAI DISTRICT.

FIR NO.RC2292024A0001 OF 2024. ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.ASHOK KUMAR, Senior counsel for
Mr.S.PALANIVELAYUTHAM, Advocate

For Respondent : MR.C.MUTHU SARAVANAN, Special Public Prosecutor

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

PRAYER:

To pass an order directing the Petitioners released on bail in the event of their arrest in connection with FIR No.RC2292024A0001 of 2024 on the file of the Inspector of Police, ACB, Madurai, Madurai District.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police



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for the alleged offence under Sections 120(b) r/w. 420, 409, 419, 467, 468, 471 of IPC and Sections 13(2) r/w. 13(1)(D) and 13(2) r/w. 13(1)(a) of Prevention of Corruption Act, 1988 as amended in the year 2018, in FIR No.RC2292024A0001 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the properties of M/s.PACL Limited were under the governance of R.M.Lodha Committee, which was constituted by the Apex Court. When the properties were under the control of R.M.Lodha Committee, the petitioners, in the capacity of Managing Director and Director of Cape Infrastructure and Krishva Power Private limited, have alienated the properties, ie., nearly 1000 acres, of M/s.PACL Limited, by fabricating documents, impersonation and manipulating the records pertaining the properties, belonging to M/s.PACL Private Limited and thereby cheated the Committee. Hence, the complaint.

3. The learned senior counsel appearing for the petitioners would submit that initially the properties in question were in possession and enjoyment of the petitioners long back and during initial purchase, without knowing that the properties in question belong to M/s.PACL Limited, they have purchased the same, since there were no encumbrance found thereon. The learned Senior counsel would



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further submit that since the petitioners were under the impression that they were the bonafide purchasers of the properties in question, they have alienated the same. Thus, he would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, there are no transaction took place contrary to the order passed by the Hon'ble Supreme Court.

4. However, the learned Special Public Prosecutor appearing for the respondent would submit that contrary to the order passed by the Hon'ble Supreme Court, alienation was done by the petitioners and the petitioners have sold the properties fixing Rs.1,60,000/- per acre and the total area is around 1070 Acres. Hence, as per the direction of this Court in W.P(MD) No.15703 of 2021, dated 17.11.2023, the present FIR came to be registered. When the subject matter is under the governance of R.M.Lodha Committee, which was constituted by the Hon'ble Supreme Court, he opposed this petition for grant of anticipatory bail to the petitioners.

5. Heard the learned Senior counsel for the petitioners and learned Special Public Prosecutor appearing for the respondent.



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6. Considering the submissions made by the learned Special Public Prosecutor and also considering the fact and circumstances of this case and since the matter has been seized by the Hon'ble Supreme Court of India and it is under the governance of RM Lodha Committee, without expressing any opinion, this petition is dismissed, however, with liberty to the petitioners to workout their remedy before the Hon'ble Supreme Court in the pending Civil Appeal Nos.13301, 13319, 13394 and 13410 of 2015.

sd/-
11/03/2024

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/03/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU/RR

TO

- 1 THE INSPECTOR OF POLICE
ACB MADURAI,
MADURAI DISTRICT.
- 2 THE SPECIAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE SECTION OFFICER,
SUPREME COURT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-3081[I] dated
12/03/2024)

ORDER

IN

CRL OP(MD) No.1861 of 2024

Date :11/03/2024

SS/GS/SAR- /18/03/2024/5P/5C

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