



CRL OP(MD). No.2254 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2254 of 2024

V.Eswaran,

... Petitioner/ Accused No.40

Vs

The Deputy Superintendent of Police,
CBCID South, Madurai Range,
Theni District,
Crime No.03/2022.

... Respondent/Complainant

For Petitioner : Mr.R.GANDHI, Senior Counsel,
for M/s.GANDHI ASSOCIATES

For Respondent : Mr.VEERAKATHIRAVAN,
Additional Advocate General-III,
Assisted by
Mr.S.MANIKANDAN,
Government Advocate (Crl. side)

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

PRAYER :- For Bail in Crime No.03/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 30.01.2024 for the offences under Sections 409, 465, 466, 477(A), 468, 471, 472 and 109 IPC and under Sections 13(2) r/w 13(1)(c), 13(1)(d)(i) r/w 13(1)(a) of Prevention of Corruption Act, 1988 in Crime No.03 of 2022, on the file of the respondent police,



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seeks bail.

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2.The case of the prosecution is that in 2008, the lands belong to the Government comprised in Survey No.814, which was classified as Poramboke was allocated by the revenue officials in favour of the private individuals without following any procedure and the pattas were approved by the Government officials namely Ananthi/A7 and Jeyapritha/A8. Now the allegation against the petitioner is that with help of the Government officials, he obtained a patta on 07.08.2008 and the same was mutated in favour of the private individuals. The petitioner is one of the private individuals and he is one of the beneficiary of said pattas. Hence, the complaint. Thereby, the petitioner was arrested and remanded to judicial custody on 30.01.2024. Hence, the present petition has been filed seeking bail.

3.When the matter was taken up for hearing on 22.02.2024, this Court considering the undertaking given by the learned counsel for the petitioner, granted interim bail for seven days and directed the petitioner to cancel the revenue documents and other documents that were mutated by him with the help of revenue officials, if it is not already cancelled.

4.The learned Senior counsel appearing for the petitioner would submit that as per the undertaking given before this Court, the alleged sale deed was cancelled and the purchaser, who filed another writ petition before this Court, also agreed to cancel



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the document, under which, the document itself was cancelled and the petitioner is ready to hand over the possession to the revenue officials, if it is not already handed over. Accordingly, he pray for bail.

5.The learned Additional Advocate General assisted by the learned Government Advocate (Crl. side) has no serious objections for allowing this petition.

6.Considering the facts and circumstances of the case and deed itself cancelled this court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Theni, and on further conditions that:

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

(b) the petitioner is directed to appear before the respondent police as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or



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trial;
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(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/02/2024

/ TRUE COPY /

29/02/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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4 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID SOUTH, MADURAI RANGE,
THENI DISTRICT.

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

+1 CC to M/s.M/S.GANDHI ASSOCIATES, Advocate (SR-2504[I] dated 29/02/2024
)

ORDER
IN
CRL OP(MD) No.2254 of 2024
Date :29/02/2024

SA/SAR. /29.02.2024/5P/7C

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