



CRL OP(MD) No.2850 of 2024

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

Thursday, the Twenty Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2850 of 2024

K.B.VENKATESH

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
CBCID-SOUTH,
MADURAI DISTRICT.
CRIME NO.1 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.APPAJI.C.K.M. Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.1 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 the alleged offence under Sections 120B, 467, 468, 477-A, 419 and 420 IPC, in
Crime No.1 of 2023, on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD) No.2850 of 2024

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2.The case of the prosecution is that one Subburayalu was the owner of the property comprised in Survey Nos.29/11A and 32/1-B situated at Puliankulam Village, Madurai District. During the year 1990, the said property was acquired for the purpose of formation of outer Ring Road, Madurai. Since the property was mortgaged with the Co-operative Bank, Tirumangalam, the award amount was deposited in the Court. The petitioner, who is an Advocate, colluded with the Highways Authority and the Revenue Authority, has withdrawn the award amount deposited in the Court as if Subburayalu was alive and the petitioner had set up a person in the name of Saradha claiming to be the wife of Subburayalu. In fact, Subburayalu and his wife died long back. When it came to knowledge of the son of Subburayalu, he made a criminal complaint against the petitioner and he filed a writ petition before this Court in W.P(MD).No.1668 of 2012 to appoint the Judicial Officer in the cadre of District Judge to conduct enquiry into the Land Acquisitions Scam with specific reference of lands in Survey Nos.29/11A and 32/1B at Puliankulam Village, which is the subject matter of award in L.A.O.P.No.1/2010 and to entrust the investigation into the second respondent therein with a direction to register the complaint and investigate in accordance with law. On the writ petition filed by the son of Subburayalu, cognizance was taken and pursuant to the



CRL OP(MD) No.2850 of 2024

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directions given by this Court, a case in Crime No.1 of 2023 was registered for the offence punishable under Sections 120B, 467, 468, 477-A, 419 and 420 IPC.

3.The learned counsel appearing for the petitioner would further submit that the petitioner is an innocent person and he has been falsely implicated in this case and he did not commit any offence as alleged by the prosecution. He would further submit that in fact, the son of Subburayalu, namely, Manoharan, has approached the petitioner herein to pursue the matter, and Manoharan and his family members collected award amount from the Court through one Pandiyarajan, Advocate. He would further submit that the petitioner has not involved in any misappropriation of award amount. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police submits that as per the directions of this Court, the present case came to be registered. In this case, investigation has not been completed. However, the allegations made against the petitioner are serious in nature. Therefore, if the petitioner is granted anticipatory bail, it will affect the completion of investigation. Hence, he prays for dismissal of this petition.



CRL OP(MD) No.2850 of 2024

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5. It appears that a case has been registered against the petitioner in Crime No.1 of 2023 for the offence punishable under Sections 120B, 467, 468, 477-A, 419 and 420 IPC, pursuant to the directions of this Court. The allegations made against the petitioner that the petitioner, without any authorisation colluded with the Highway Authorities and Revenue Authority, has withdrawn the award amount, which was deposited in the Court for having acquired the land of Subburayalu to form the outer Ring Road, as if Subbrayalu, who is the father of Manoharan was alive, and the petitioner had set up a person in the name of Saradha claiming to be the wife of his father, are serious in nature. A perusal of the First Information Report reveals that the petitioner has been indulging in swindling the award amount in respect of land owners, who are either dead or living abroad, in the land acquisition proceedings and in respect of the lands where the owners are abroad or not known, people are set up and award amounts are swindled away. Considering the facts and circumstances of the case and the serious allegation levelled against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Though as per the directions of this Court, a case has been registered against the petitioner in the year 2023, till date, the investigation has not been completed and the respondents Police have not secured the petitioner so far. Hence, a direction



CRL OP(MD) No.2850 of 2024

is issued to the concerned Superintendent of Police, to take appropriate action
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against the concerned Investigating Officer, who is conducting the investigation, for
not having secured the accused person so far.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
29/02/2024

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/03/2024

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

SSB
TO

1 THE INSPECTOR OF POLICE
CBCID-SOUTH,
MADURAI DISTRICT.

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

COPY TO:
THE SUPERINTENDENT OF POLICE,
MADURAI.

ORDER
IN
CRL OP(MD) No.2850 of 2024
Date :29/02/2024

SS/VR/SAR- /21/03/2024/5P/4C

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