



Crl.O.P.(MD)No.8938 of 2024:

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 25/06/2024

PRONOUNCED ON: 02/07/2024

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.8938, 8939, 8945 and 8946 of 2024

Crl.O.P.(MD)No.8938 of 2024:

U.Rathnamala,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
CBCID Crime Branch,
Theni District.
(Crime.No.2 of 2022)

... Respondent/Complainant

Crl.O.P.(MD)No.8939 of 2024:

U.Rathnamala,

... Petitioner/ Accused No.7

Vs

The Inspector of Police,
Department of Vigilance and Anti-Corruption,
Theni.
Crime No.2 of 2022..

... Respondent/Complainant



Crl.O.P.(MD)No.8938 of 2024:

Crl.O.P.(MD)No.8945 of 2024:

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U.Rathnamala,

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
CBCID Crime Branch,
Theni District.
(Crime No. 3 of 2022).

... Respondent/Complainant

Crl.O.P.(MD)No.8946 of 2024:

U.Rathnamala,

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
CBCID Crime Branch,
Theni District.
Cr.No.1/2022.

... Respondent/Complainant

For Petitioner
in all petitions : Mr.S.Malaikani

For Respondent
in Crl.O.P.(MD)Nos.
8938, 8945 and 8946 of
2024

: Mr.Veerakathiravan
Additional Advocate General
Assisted by Ms.M.Aasha
Government Advocate(Crl.Side)

For Respondent
in Crl.O.P.(MD)No.
8939 of 2024

:Mr.Veerakathiravan
Additional Advocate General
Assisted by
Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



Crl.O.P.(MD)No.8938 of 2024:

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

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos. 2, 2, 3,1 of 2022 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner/accused No.3 in Crl.O.P.(MD)No.8938 of 2024, 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 I.P.C., and Sections 13(2) r/w 13(1)(C) and 13(1)(d)(i) of Prevention of Corruption Act, 1988, r/w Section 13(2) r/w 13(1)(a) of Prevention of Corruption Act (Amendment) Act 2018, in Cr.No.2 of 2022, seeks anticipatory bail.

2. The petitioner/accused No.7 in Crl.O.P.(MD)No.8939 of 2024, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 167, 465, 468, 471, 477A r/w 109 I.P.C., and Section 7, 8(1), 13(1)(a) r/w 13(2) and 12 of the Prevention of Corruption Act, 1988, in Cr.No.2 of 2022, seeks anticipatory bail.



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3. The petitioner/accused No.5 in CrI.O.P.(MD)No.8945 of 2024, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477(A), 468, 471, 472, 109 I.P.C., and Sections 13(2) r/w 13(1)(c), Section 13(1)(d)(i) of Prevention of Corruption Act, 1988, 13(2) r/w 13(1)(a) of Prevention of Corruption Act (Amendment) Act 2018 in Cr.No.3 of 2022, seeks anticipatory bail.

4. The petitioner/accused No.5 in CrI.O.P.(MD)No.8946 of 2024, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 477(A), 468, 471, 472, 109 I.P.C., and Section 13(2) r/w 13(1)(2), 13(1)(d)(i) of Prevention of Corruption Act, 1988, Section 13(2) r/w 13(i)(a) of Prevention of Corruption Act (Amendment) Act 2018, in Cr.No.1 of 2022, seeks anticipatory bail.

5. The case of the prosecution is that without proper application and procedures, the Government lands have been transferred in the name of the individuals, mostly the relatives of the Government officials through online and swindled the Government lands. The Government Officials allowed one V.Annaprakash, a licence holder, to take gravels illicitly in the places other than the permitted places and also allowed to take gravels from poromboke lands and



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thereby caused loss to the tune of Rupees Three Crores to the Government. Hence, the above complaints.

6. The learned Additional Advocate General appearing for the State would submit that the Government Officials had swindled Government lands worth of Rupees Seven Hundred Crores and it will be the biggest scam in the State of Tamil Nadu, that the Government officials, without proper application and procedures had transferred the Government lands in the name of individuals, mostly to the relatives of the Government officials through online and subsequently they have executed documents in favour of others, in pursuance of the said assignment of lands.

7. The learned Additional Advocate General appearing for the State would further submit that one Annaprakash who was holding licence to take gravel over an extent of 1.41.50 hectares in two survey numbers situated at Vadaveeraaickapatti village, Periyakulam Taluk, but the said individual was allowed to take gravel over an extent of 1.63.50 in S.F.No.2302/2 located in the same village, that the said individual was allowed to take gravel illicitly from the places other than the permitted places and the Government Officials had allowed the said individual to



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take gravel more than the permitted limits and also to take gravels from poromboke land which are located adjacent to the permitted site and that he had taken approximately 70,000 of lorry load gravel illicitly and thereby caused loss to the Government to the tune of Rupees Three Crores.

8. The learned Counsel for the petitioner would submit that the entire prosecution is false, that the petitioner did not receive or processed any file during her tenure of office as Tahsildar Periyakulam where she served between 27.09.2018 and 09.03.2019 in the first instance and between 01.07.2019 and 17.02.2021, that the petitioner does not have any authority to sanction any approval in making subdivisions in any given survey numbers or grant of patta to any third party, that the petitioner is the whistle blower having sent a report to the Revenue Divisional Officer, Periyakulam on 11.12.2018 informing about the assignment of lands through forgery pattas, that the petitioner as well as the Zonal Deputy Tahsildar had sent an official note dated 01.02.2019 to the Revenue Divisional Officer, that the higher authorities without waking up in 2018, when the report came to be submitted by the petitioner, have found the anomaly two years after the petitioner's report and without application of mind have implicated the petitioner as an accused and that therefore, the very registration of F.I.R., implicating the petitioner is motivated and as such the same cannot be sustained.



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9. The petitioner's first application for anticipatory bail was considered along with the applications of other co-accused and this Court has passed the common order dated 02.03.2022 directing the petitioner to appear before the respondent police with all available records within a period of 10 days from the date of receipt of a copy of that order and the respondent police was directed to consider the records and get permission from the concerned jurisdictional Magistrate and arrest her if necessary for custodial interrogation.

10. The learned Counsel for the petitioner would submit that in pursuance of the order dated 02.03.2022, the petitioner has appeared before the District Crime Branch as well as the Department of Vigilance and Anti Corruption and before the CBCID on several occasions and gave several statements in writing and despite such cooperations, the respondent police has arrested another accused, who was also similarly directed in the common order dated 02.03.2022, but this Court taking note of the submissions made by the learned Additional Advocate General that the petitioner has not cooperated for the investigation and failed to appear for the subsequent hearings and that the investigation was pending at that time, dismissed the second petition for anticipatory bail, vide order dated 24.06.2022.



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11. In the third application for anticipatory bail, the petitioner has averred that she was ready to co-operate with the respondent police for enquiry and that she may be given interim protection so as to enable her to appear before the concerned police for enquiry.

12. The learned Additional Advocate General submitted that direction as given in the common order dated 02.03.2022 may be issued again directing the petitioner to appear before the concerned police for enquiry along with the documents within a time stipulated by this Court.

13. Considering the submissions made by the learned Counsel for the petitioner and the learned Additional Advocate General, this Court, vide order dated 18.07.2022 directed the petitioner to appear before the respondent police with all available records within a period of 10 days from the date of receipt of a copy of that order and the respondent police, after considering the records, was directed to get permission from the concerned Judicial Magistrate and arrest her if necessary for custodial interrogation and that in case, if the petitioner fails to appear before the respondent police in pursuance of the directions of this Court, the respondent police



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is at liberty to proceed against the petitioner in accordance with law and on that basis, the petitions were ordered to be disposed of.

14. The petitioner has now filed the fourth application for anticipatory bail. It is pertinent to note that the petitioner has moved the Hon'ble Supreme Court challenging the order of dismissal passed in Crl.O.P.(MD)Nos.12239, 12242, 12243 and 12252 of 2022, dated 18.07.2022 passed by this Court and the Hon'ble Supreme Court by observing that they are not inclined to interfere with the impugned judgment, dismissed the Special Leave Petition, vide order dated 27.09.2023. The petitioner, six months after dismissal of Special Leave Petition by the Hon'ble Supreme Court, has approached this Court.

15. The learned Counsel for the petitioner has relied on the order of the Hon'ble Supreme Court in *Ashok Kumar Vs. State of Union Territory Chandigarh* and argued that the above order came to be passed subsequent to the dismissal of the petitioner's Special Leave Petition and that the Hon'ble Supreme Court, by observing that the State has failed to show prima facie why the custodial interrogation of the accused is required for the purpose of investigation and taking note of the assurance of the appellant that he would appear and cooperate in the investigation, has granted anticipatory bail.



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16. As rightly contended by the learned Additional Advocate General, the above order cannot be made applicable to the case on hand and more importantly, the petitioner's Special Leave Petition challenging the orders dismissing the anticipatory bail applications was dismissed by the Hon'ble Supreme Court.

17. The learned Additional Advocate General would submit that the petitioner alone gave no objection letter to the Sub-Registrar for registering the documents with respect to the properties involved in the above cases and the Deputy Tahsildar had issued patta transfer orders in respect of the said properties and that the said lands were transferred in favour of the same individuals by using the login ID of the petitioner's official website of Tamil Nilam.

18. The learned Additional Advocate General would further submit that the other Government officials have already been arrested and were released on bail, but the petitioner with the help of her husband, who is in the rank of Deputy Collector has been absconding herself for the past more than two years.

19. The learned Counsel for the petitioner would submit that since the learned Additional Advocate General and the learned Counsel for the Department of Vigilance and Anticorruption submitted that the investigation has already been completed and as such, the question of sending the petitioner into prison or for custodial interrogation does not arise at all. But the learned Additional Advocate



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General would submit that since the petitioner is the main accused, her custodial interrogation is very much necessary.

20. The learned Counsel for the petitioner would submit that the petitioner may be directed to appear before the respondent police and she is ready to appear and cooperate for the investigation.

21. As rightly contended by the learned Additional Advocate General, this Court has already directed the petitioner twice to appear before the respondent police, but she has not complied with the directions.

22. Considering the above facts and circumstances and also the nature and gravity of the offences alleged and taking note of the quantum of loss allegedly caused to the Government and also the delaying and absconding tactics being adopted by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

23. In the result, all the Criminal Original Petitions are dismissed.

sd/-

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

SSL



Crl.O.P.(MD)No.8938 of 2024:

TO

1 THE INSPECTOR OF POLICE
CBCID CRIME BRANCH, THENI DISTRICT.

2 THE INSPECTOR OF POLICE,
DEPARTMENT OF VIGILANCE AND ANTI-CORRUPTION,
THENI.

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

+4 CC to M/s.S.MALAIKANI, Advocate (SR-7279,7280,7281,7282[I] dated
03/07/2024)

ORDER
IN

CRL OP(MD). Nos.8938, 8939, 8945 and 8946 of 2024

Date :02/07/2024

SS/GS/SAR- /05/07/2024/12P/8C

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