



CRL OP(MD)No.17786 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.17786 of 2024

Naresh Kumar

... Petitioner/ A-12

Vs

The Deputy Superintendent of Police,
Madurai Range,CBCID,
Theni.
Crime No.3/2022.

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.3/2022 on the file of the respondent police



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ORDER : The Court made the following order :-

The petitioner/ Accused, who is arrested and remanded to judicial custody on 19.09.2024 for the offence punishable under Sections 409, 465, 466, 468, 477A, 471, 472 and 109 of IPC and Sections 13(2) r/w. 13(1)(c), 13(1)(d)(i) and 13(1)(a) of Prevention of Corruption Act, in Crime No.3 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the patta has been granted by the accused person in respect of Government Poromboke land in favour of the third party, without obtaining any prior permission for granting patta. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.The learned Additional Advocate General would oppose the grant of bail by stating that this is a major scam in which the Government land to an extent of 4 acres and 57 cents was tried to be knocked off by all the accused persons by obtaining patta with the collusion of the Government officials. Even they have not come forward to cancel the document even after the scam is unearthed.



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5.Per contra, the learned Counsel for the petitioner submits that the petitioner is in custody from 19.09.2024 and that some of the other similarly situated accused have already been released on bail and that as far as the petitioner is concerned, since the petitioner has sold the property, he cannot now cancel the document on his own and the purchaser has already been arrayed as an accused and he has been arrested and released on bail. But however, the petitioner is willing to file an affidavit that he will not claim any right, title or interest over the property.

6.Considering the argument of both sides and considering the fact that the petitioner is in judicial custody from 19.09.2024, I am inclined to enlarge the petitioner on bail with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Theni;

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



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(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(iii)as undertaken, an affidavit acknowledging that the Survey No.2201/1A is a Government interest land and that he will not claim any right, title or interest in respect to the said property shall be filed:.

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial.

(vi)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].



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(vii) If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
18/10/2024

/ TRUE COPY /

18/10/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

TO

- 1 THE JUDICIAL MAGISTRATE
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, MADURAI RANGE,
CBCID, THENI.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-12655[I] dated 18/10/2024)



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ORDER
IN

CRL OP(MD) No.17786 of 2024

Date :18/10/2024

SS/SAR- /18/10/2024/ 6P/7C

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