



CRL OP(MD). No.20456 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Vanitha

2. Kanipriya,

3. Ganesan,

... Petitioners/ Accused Rank not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police
CBCID South Police Station,
Theni, Theni District.
(In Crime No. 2 of 2022).

... Respondent/ Complainant

For Petitioner : Ramasamy S,
Advocate.

For Respondent : Mr.Veerakathiravan, Additional Advocate General
assisted by Mr.S.Ravi,
Additional Public Prosecutor



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER:-

For Anticipatory Bail in Crime No. 2 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused No.16 to 18, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 409, 465, 466, 468, 471, 472, 477 (A) of IPC and 13 (1)(c), 13(1)(d)(i) and 13(2) of the Prevention of Corruption Act, 1988 in Crime No.2 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the government lands, which were notified as water bodies were permitted to be converted into private patta lands and computerised patta was issued in the name of the private individuals. Utilising the same, the private individuals applied for quarry and permission was also granted and in the water body, quarrying was also done. Ultimately, it resulted in changing the character of the property and causing huge loss to the government. An FIR came to be registered in crime No. 2 of 2022 on 04.01.2022 as against 9 named accused persons. These accused persons filed anticipatory bail petitions, which were all rejected and they went to the Hon'ble Apex Court and SLPs were not entertained.



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3. There are totally 18 accused persons in this case and the petitioners have been arrayed as A16 to A18. Insofar as the petitioners are concerned, they seem to have come into the scene a bit later and acted upon the earlier computer patta that was transferred in the name of the private individuals and permitted further transfer of patta in the name of other private individuals.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

5. In the instant case, the original cause of action arose much prior to the year 2020 and the water bodies were attempted to be converted into private patta lands and the entries were altered in the original revenue records and computer patta was issued. After the entire scam came to light, efforts were taken to immediately restore the revenue records to its original position. Hence, on the date when the petitioners who are working as Village Administrative Officers acted upon the earlier computer patta, the original revenue records stood restored as water bodies. In spite of the same, the petitioners have permitted transfer of patta to other private individuals.

The only defence that has been taken by the petitioners is that they merely acted



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upon the earlier transfer that was made, where computer patta was issued in favour of private individuals.

6. In the considered view of this Court, the petitioners are trying to simplify the issue, which was very much brewing at the relevant point of time. The revenue officials knew of the fact that the water bodies and the lands belonging to the government was stealthily converted into private patta lands. Therefore, when the petitioners transferred the patta in the name of the private individuals subsequently, they should have looked into the original revenue records, which by then stood restored as government lands / water bodies. It is too difficult for this Court to assume the innocence of the petitioners, who are holding the position of Village Administrative Officers and not knowing about the restoration of the original records as government lands / water bodies.

7. This is the second bail petition filed by the petitioners and the earlier anticipatory bail petition filed by them was dismissed as withdrawn, since this Court was not inclined to grant anticipatory bail. This court does not find any change in circumstance.



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8. In the result, this criminal original petition stands dismissed.

sd/-
25/11/2024

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/12/2024

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

SM

TO

1. The Inspector of Police
CBCID South Police Station,
Theni, Theni District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAMASAMY, Advocate (SR-14498[I] dated 25/11/2024)

ORDER
IN

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Date :25/11/2024

RK/VR (09/12/2024) 5P / 4C

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