



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Friday, the Thirtieth day of August Two Thousand Thirteen

PRESENT

The Hon`ble Ms.Justice R.MALA

CRL OP(MD) No.13359 of 2013

P.RAJASEKARAN

..PETITIONER/ACCUSED No.1

Vs.

STATE REP BY THE INSPECTOR OF POLICE

OTHAKADAI POLICE STATION, MADURAI.

CR.NO.388/2013

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.VEERA KATHIRAVAN Advocate

For Respondent : MR.S.SHANMUGAVELAYUTHAM, Public Prosecutor assisted by  
Mr.T.M.MOHAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

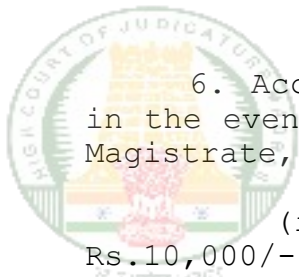
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 379, 120(b), 406, 420, 434, 304(ii) r/w 511 of IPC r/w Section 3(a) and 4(a) of Explosive Substance Act, and 4(A) 4(1)(A) and 21 of Mines and Minerals (Development and Regulations) Act, 1955 in Crime No.388 of 2013 on the file of the respondent police, the petitioner has come forward with the present application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

2. Heard both sides.

3.The learned counsel for the petitioner would submit that the case of the prosecution is that the petitioner has encroached upon the property in Survey No.154/1. The petitioner is doing the quarrying business and they encroached upon the property in survey No.154/1 thereby illegally quarrying 203593.58 cubic meters and he has caused loss to the Government to the tune of Rs.407.19 crores but, without any document, a false case has been foisted against them and they have nothing to do with the commission of offence and apprehending arrest he has come forward with this application and prayed for enlargement on anticipatory bail.

4. Resisting the same, the learned State Public Prosecutor would submit that the petitioner encroached upon the Government Poramboke land and illegally quarried granites and they have caused loss to the Government to the tune of Rs.407.19 crores and investigation is going on and hence, he prays for the dismissal of this application.

5.Considering the rival submissions made by both sides and on a perusal of typed set of papers and objections it is seen that the petitioner encroached upon the Government Poramboke land in survey No.154/1 and illegally quarried granites and they have caused loss to the Government to the tune of Rs.407.19 crores and all are borne out of records. Cause notice has been issued claiming damages and it was stayed by this Court, So I am inclined to grant anticipatory bail to the petitioners.



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Melur subject to the following stringent conditions:-

(i) The petitioners shall execute 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, Melur, and

(ii) The petitioners shall appear before the learned respondent police as and when required.

(iii) The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

30/08/2013

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION, MADURAI.

+2. CC to M/S. VEERA KATHIRAVAN Advocate SR.No.42700 & 43457

ORDER IN

CRL OP(MD) No.13359 of 2013

Date : 30/08/2013

PBK 03/09/2013 2P/7C