



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) Nos.13443 and 13563 of 2013

1 P.PALANICHAMY  
2 P.SELVI  
3 P.SENTHIL KUMAR  
4 P.SURESH KUMAR  
5 A.MAHARAJAN  
6 S.CHANDRALEKHA  
7 M.SIVARANJANI  
8 K.MURUGESAN  
9 K.DEIVENDRAN  
10 M.GANDHI  
11 M.THAVASELVAM  
12 R.ARUMUGAM  
13 R.SHANMUGANATHAN  
14 S.PUGAZHENTHI  
15 S.PARAMASIVAM  
16 M.SUBBAIAH  
17 T.PARAMANANDAM  
18 K.THANTHUVARAJ  
19 S.AYYAPPAN  
20 G.ANUMANTHAN  
21 R.JOTHIBASU  
22 M.GANESAN

...PETITIONERS/ACCUSED RANK NOT KNOWN  
IN CRL.OP (MD) NO.13443 /2013

KOTAIVEERAN

..PETITIONER/ACCUSED NO.1. IN  
CRL.OP (MD) NO.13563/2013  
Vs

STATE REP BY  
THE INSPECTOR OF POLICE  
KEELAVALAVU POLICE STATION, MADURAI DISTRICT,  
CRIME NO.220/2013 ... RESPONDENT/COMPLAINANT IN BOTH  
THE PETITIONS

For Petitioner : M/S.A.ARUN PRASAD Advocate in  
Crl.OP (MD) No.13443/2013

M/S.S.RAGAVENTHRE , Advocate in  
Crl.OP (MD) No.13563/2013



For Respondent : M/S.SHANMUGAVELAYUTHAM, ASSISTED BY  
M/S.T.MOHAN,

Govt. Advocate ( Crl. Side) in both the Petitions

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

ORDER : The Court Made the following order :-

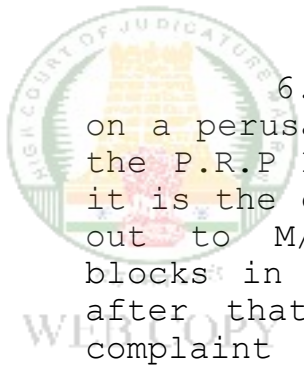
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 406, 434, 447, 379, 420, 304(ii) r/w 511 of IPC r/w Section 3(1) of TNPPDL Act, Sections 4(1) 4(1A) and r/w 21, 23 of MMDR Act, 1957 & 4 of Explosive Substance Act, 1908, in Crime No.220 of 2013 on the file of the respondent police, the petitioners have 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 petitioners would submit that the first petitioner is the proprietor of P.R.P Exports, the second petitioner is the wife of the first the first petitioner, the third and fourth petitioners are the son of the first petitioner, the fifth petitioner is the son-in-law of the first petitioner, the sixth petitioner is the daughter-in-law of the first petitioner, the seventh petitioner is the daughter of the first petitioner, the petitioners 8, 9, 10 & 11 are the sister's sons of the first petitioner, the 12<sup>th</sup> petitioner is the General Manager and 13th petitioner is the Manager and the petitioners 14 to 22 are the employee of the first petitioner.

4.The learned counsel for the petitioners would submit that the case of the prosecution is that the petitioners A2 to A22 colluded with Kotaiveeran/A1 has encroached upon the property in Survey No.71, 107/4, 97/1. The petitioners are doing the quarrying business and they encroached upon the property in survey Nos. 71, 107/4, 97/1 thereby illegally quarrying 10.042.37 cubic meteres and they have caused loss to the Government to the tune of Rs.40.16 crores but, without any document, a false case has been foisted against them and they have nothing to do with the commission of offence. The P.R.P Exports is facing 50 cases and they were falsely implicated in all the cases and they were enlarged on bail and anticipatory bail respectively and now they apprehended for arrest and come forward with this application and prayed for enlargement on anticipatory bail.

5. Resisting the same, the learned State Public Prosecutor would submit that the P.R.P Exports is facing 50 cases and they encroached upon the Government Poromboke land and illegally quarried granites and they have caused loss to the Government to the tune of Rs.40.16 crores and investigation is going on and hence, he prays for the dismissal of this application.



6.Considering the rival submissions made by both sides and on a perusal of typed set of papers and objections it is seen that the P.R.P Exports is facing the same charges in 50 and admittedly, it is the case of the prosecution that the property has been leased out to M/s.V.Kottaiveeran for quarrying multi-coloured granite blocks in Survey No.70/3(P) to an extent of 0.40.5 Hectares and after that, the case has been registered on the basis of the complaint given by Village Administrative Officer namely G.Azhagupandi in that, it is stated that the petitioners A1 to A11 colluded with Kotaiveeran has encroached upon the property in Survey No.71, 107/4, 97/1 and the P.R.P Exports is facing 50 cases in similar nature for illegal quarrying and for causing loss to the State to the Tune of Rs.40.16 crores and all are borne out of records and Show Cause Notice has been issued claiming damages, it was stayed by this Court, So I am inclined to grant anticipatory bail to the petitioners.

7. 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.1,00,000/- (Rupees One Lakh) with two common sureties 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.

8.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.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE  
MELUR

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
MADURAI DISTRICT

3. THE INSPECTOR OF POLICE  
KEELAVALLAVU POLICE STATION, MADURAI DISTRICT

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

+2. CCs to M/S.A.ARUN PRASAD Advocate SR.Nos.43375&43376  
+ONE CC TO M/S.S.REGENTHRE, Advocate, SR.No.43394

RL/8C - 3/9/2013

ORDER

IN

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13563 of 2013

Date :30/08/2013