



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.13445 of 2013

WEB COPY

1 P.PALANICHAMY
2 P.SELVI
3 P.SENTHIL KUMAR, S/O.P.PALANICHAMY
4 P.SURESH KUMAR, S/O.P.PALANICHAMY
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 2 TO 7
..PETITIONER/ACCUSED No.1

..PETITIONERS/ACCUSED 9 TO 22

Vs.

STATE REP BY THE INSPECTOR OF POLICE
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
CR.NO.222/2013

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.R.ELANGO, Senior Counsel for
Mr.A.ARUN PRASAD Advocate

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

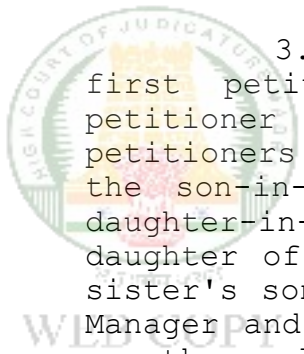
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 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.222 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.

<https://hcservices.ecourts.gov.in/hcservices/>

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 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 12th 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 one Murugesan/A1 has encroached upon the property in Survey Nos.297/5, 297/5(over depth). The petitioners are doing the quarrying business and they encroached upon the property in survey Nos.297/5, 297/5(over depth) thereby illegally quarrying 3,20,186.50 cubic meters and they have caused loss to the Government to the tune of Rs.961.20 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.961.20 crores and investigation is going on and hence, he prays for the dismissal of this application.

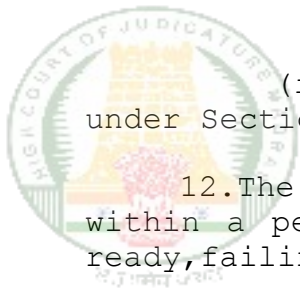
6. Considering the rival submissions made by both sides and on a perusal of typed set of papers and objections it is seen that the P.R.P Exports is facing the same charges in 50 and admittedly, it is the case of the prosecution that the property has been leased out to M/s.Murugesan for quarrying multi-coloured granite blocks in Survey Nos.297/5(P) to an extent of 1.20.0 Hectares and after that, the case has been registered on the basis of the complaint given by Village Administrative Officer namely P.Ravichandra Babu in that, it is stated that the petitioners A2 to A22 colluded with Murugesan/A1 has encroached upon the property in Survey No.297/5, 297/5(over depth) 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.961.20 crores and all are borne out of records and Show 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.

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

<https://hcservices.ecourts.gov.in/hcservices/>

(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.

12. 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

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/ 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, KEELAVALLAVU POLICE STATION, MADURAI DISTRICT.

+2. CC to M/S.A.ARUN PRASAD Advocate SR.No.43380 & 43381

ORDER IN

CRL OP(MD) No.13445 of 2013

Date : 30/08/2013

PBK 03/09/2013 3P/7C