



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Thirtieth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRL OP(MD) No.10611 of 2015

SENTHILKUMAR

... PETITIONER / SOLE ACCUSED

Vs

STATE REP BY

THE INSPECTOR OF POLICE

PATTUKKOTTAI TOWN POLICE STATION, THANAJVUR DISTRICT.

CR. NO. 432 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RAJAPRABHU Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is the sole accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379(NP) I.P.C., and Section 3(1) of TNPPDL Act in Crime No.432 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The Commissioner, Pattukottai Municipality, lodged a complaint stating that the Municipality has constructed a water tank in a place which is allotted by the Town and Country Planning as a park site and also maintaining a park for more than 30 years. While so, the accused, by obtaining a Patta for the park site, trespassed into the park and also caused damage by using JCB and also committed theft.

3. The learned counsel for the petitioner submitted that while approving the lay out, the Town and Country Planning has allotted the property in dispute as a park site, but the original land owner has not executed a gift deed in favour of the Municipality and she has been in possession and enjoyment of the same. The learned counsel for the petitioner further submitted that when the landlady did not execute a gift deed in favour of the Municipality, the Municipality has no right over the property and the petitioner has been falsely implicated in this case.

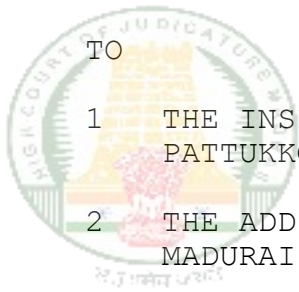
4. It is settled law that once a properties allotted as a park site by the Town and Country Planning Authorities, while approving the lay out, the owner loses her right and she cannot claim any right over the property. In the complaint, the Commissioner of Municipality has specifically stated that the accused had damaged the compound wall by using a machine and also committed theft.

5. In view of the serious allegations made against this petitioner, this Court is of the opinion that the petitioner is not entitled for anticipatory bail. Hence, the petition is dismissed.

sd/-

30/06/2015

/ TRUE COPY /



TO

- 1 THE INSPECTOR OF POLICE
PATTUKKOTTAI TOWN POLICE STATION, THANAJVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Sm:AMF:03.07.2015:2P/3C

ORDER

IN

CRL OP(MD) No.10611 of 2015

Date :30/06/2015