



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Fourth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) No.16961 of 2015

K.KUMARESAN

TOWN PLANNING INSPECTOR,
USILAMPATTI MUNICIPALITY,
USILAMPATTI, MADURAI DISTRICT.

..PETITIONER/SOLE ACCUSED

Vs.

THE STATE REP BY INSPECOTR OF POLICE
USILAMPATTI TOWN POLICE STATION,
MADURAI DIST.
(CRIME NO 207 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SARAVANAN Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

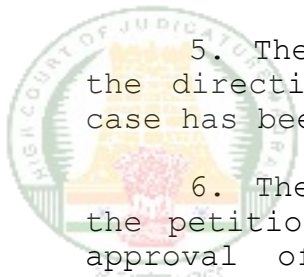
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(I) of the Indian Penal Code in Crime No.207 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the defacto complainant-Selvapandian that the accused has demanded Rs.25,500/- from him, to approve the building plan and after receipt of Rs.6,900/- and Rs.200/- on two occasions, he failed to give the approval plan nor returned the amount.

3. The learned counsel for the petitioner submitted that the defacto complainant owned property to an extent of 338 square feet equivalent to 31.5 square meter, but, he submitted application for approval for an extent of 13.80 cent equivalent to 6020 square feet and therefore, his application was returned on 26.04.2013.

4. It is further contended that the defacto complainant has submitted a petition to the Deputy Superintendent of Police on 10.09.2014 for the same allegation, which was enquired into and closed and a letter has been sent to the Deputy Superintendent of Police, Usilampatti by the Commissioner stating that the defacto complainant has not produced any documents to prove that he is the owner of the property to an extent of 13.80 cents and therefore, his application was rejected and requested the Deputy Superintendent of Police to relieve him from the charges. It is further submitted that the wife of the defacto complainant submitted an application for 338 square feet on 10.11.2014 and the plan was approved



5. The learned counsel for the petitioner submitted that based on the direction issued by this Court in Crl.O.P(MD)No.5403 of 2015, the case has been registered against the petitioner.

6. The learned Government Advocate (Criminal Side) submitted that the petitioner has received Rs.7,100/- from the defacto complainant for approval of the building plan. Therefore, he is not entitled for anticipatory bail.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Usilampatti and on executing 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 06.00 p.m., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

9. The petitioner 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/-

04/09/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, USILAMPATTI, MADURAI DISTRICT.

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

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

4 THE INSPECOTR OF POLICE, USILAMPATTI TOWN POLICE STATION,
MADURAI DIST.

+1. CC to M/S M.SARAVANAN Advocate SR.No.52051

ORDER IN

CRL OP(MD) No.16961 of 2015

Date :04/09/2015

PBK/SK-SKN/SAR-I 07/09/2015 ::2P-6C::