



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

Tuesday, the Twenty Third day of February Two Thousand Sixteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.24513 to 24515 of 2015

VG.VISSHWANATHAN

... PETITIONER / ACCUSED RANK NOT KNOWN
IN ALL THE PETITIONS

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT
(CRIME NO.546 OF 2012
IN CRL OP(MD)NO.24513/2015
(CRIME NO.409 OF 2012
IN CRL OP(MD)NO.24514/2015

.. RESPONDENT / COMPLAINANT
IN CRL OP(MD)NO.24513, 24514/2015

THE STATE REP BY
THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT
(CRIME NO.158 OF 2012

... RESPONDENT / COMPLAINANT
IN CRL OP(MD)NO.24515/2015)

For Petitioner : M/S R.ANAND Advocate IN ALL THE PETITIONS

For Respondent : MR.S.SHANMUGAVELAYUTHAM PUBLIC PROSECUTOR
ASSISTANT BY MRS.S.PRABHA Govt. Advocate (Crl.Side)

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

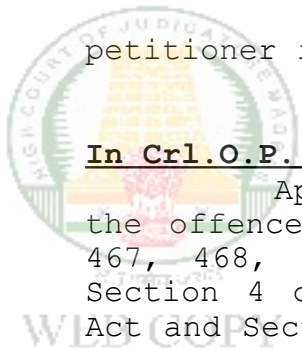
ORDER : The Court Made the following order :-

In Crl.O.P. (MD) No.24513 of 2015:

Apprehending arrest at the hands of the respondent police for offences under Sections 147, 447 of IPC and Section 3(1) of Tamilnadu Protection of Water Tanks Eviction and Encroachment Act, 2007 in Crime No.546 of 2012, on the file of the respondent police, the petitioner is now before this Court seeking Anticipatory Bail.

In Crl.O.P. (MD) No.24514 of 2015:

Apprehending arrest at the hands of the respondent police for offences under Sections 447, 201, 379 of IPC, 4(1), 4(2), 4(2)(A) and 21 (3) of Mines and Minerals (Development and Regulation) Act, Section 3 (1) of Tamilnadu Public Property (Prevention of Damage and Loss) Act in Crime No. 409 of 2012 on the file of the respondent police, the



petitioner is now before this Court seeking Anticipatory Bail.

In CrI.O.P.(MD) No.24515 of 2015:

Apprehending arrest at the hands of the respondent police for the offences under Sections 447, 379, 120(B), 109, 420, 430, 434, 465, 467, 468, 471, 304(II) r/w 511, 114 of IPC and Section 3(i)(ii) and Section 4 of Tamilnadu Public Property (Prevention of Damage and Loss) Act and Section 6 r/w 3(a), 4(a) of Explosive Substances Act and Sections 4(1), 4(1-A), 21 and 23 of Mines and Mineral (Development and Regulation) Act, in Crime No.158 of 2012 on the file of the respondent police the petitioner is now before this Court seeking Anticipatory Bail.

2. Heard Mr.R.Anand, learned counsel appearing for the petitioner and Mr.S.Shanmuga Velayutham, learned State Public Prosecutor appearing for the State.

In CrI.O.P.(MD) Nos. 24513 and 24514 of 2015:

3. It is the case of the prosecution that one Kumar Exports, owned by Periyakaruppan @ Ayyavu, had taken quarry license and had discriminately quarried into water bodies and puramboke lands belonging to the Government, thereby caused huge loss to the Government. In this connection, the police have filed the cases in Crime Nos.546 of 2012 and 409 of 2012 for the aforesaid offences.

4. The allegation against the petitioner pertaining to Crime Nos.546 and 409 of 2012 is that his father was running a company by name Vishnu Explosives and on the death of this father on 04.04.2011, the petitioner is running the said company and had supplied explosives to the principal accused Periyakaruppan @ Ayyavu, who had used it for quarrying purpose. It is also alleged the petitioner himself had deployed the explosives for quarrying purpose.

5. Be that as it may, it is seen that the principal accused Periyakaruppan @ Ayyavu, who is the owner of Kumar Exports has been granted anticipatory bail by this Court in CrI.O.P.(MD) No.17808 of 2012 dated 21.01.2013.

In CrI.O.P.(MD) No.24515 of 2015:

6. The petitioner supplied explosives to Om Sri Granites and the petitioner is not the principal accused. The case is of the year 2012.

7. This Court considered the submissions and perused the materials on record carefully.

8. Under such circumstances, this Court is of the view that these are the fit cases to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Melur, Madurai District, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two common sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioner shall report before the respondent police every day at 0.30 P.M until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against her in accordance with law as if the conditions have been imposed and he released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the condition or not.

sd/-
23/02/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI DISTRICT
4. THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION, MADURAI DISTRICT
- 5 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No. 24513 TO
24515 of 2015
Date : 23/02/2016

GJM/GSV/AN/AR-I-26.2.16-3P-6C