



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

Friday, the Twenty First day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4736 of 2017

1 P.PERIYASAMY

2 P.BABU @ KRISHNAMOORTHY

3 P.ARUNRAJA

... PETITIONERS/ACCUSED NO. 1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI DISTRICT,
MADURAI

(CR.NO. 20/2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. S. SARAVANAKUMAR Advocate

For Respondent : Mr.R.RAJARATHINAM, State Public Prosecutor,
Assistet by MR.K.ANBARASAN, Government Advocate(Crl.Side)

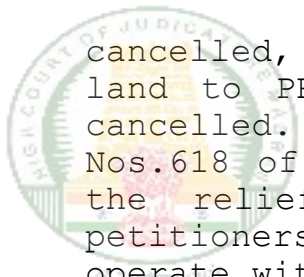
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120-B, 447, 379, 434, 420, 304(ii) of the Indian Penal Code r/w 511 of the Indian Penal Code, Section 3(1) of TNPPDL Act, Section 3(a) 4 (a) of Explosive Substances Act, Sections 4(i), 4(i/A) and 21 of Mines and Minerals Development Act, in Crime No.20 of 2015 on the file of the respondent police, seek anticipatory bail.

2. This is the second anticipatory bail application and the first anticipatory bail application was dismissed by this Court in Crl.O.P.(MD)No.1879 of 2015, on 09.03.2015.

3. Under normal circumstances, this Court would not interfere and grant anticipatory bail without substantial change in circumstances. In this case, it is the case of the prosecution that the first petitioner was granted quarry licence and that he had illegally quarried beyond the conditions of licence and had also encroached into Government lands. It is the contention of the petitioners that though the quarry licence was given in the year 2003, the petitioners had sold the quarry in the year 2008 to one PRP Granites and when the Collector issued a show cause notice to the first petitioner as to why the quarry licence should not be



cancelled, the first petitioner pleaded that since he had sold the land to PRP Granites, he has no objection in the licence being cancelled. That apart, the petitioners are shown as accused in Crime Nos.618 of 2012 and 160 of 2012, in which, this Court has granted the relief of anticipatory bail to the petitioners and the petitioners have also appeared before the respondent police and co-operate with the investigation.

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4. In view of the aforesaid change in circumstances, this Court is of the view that it will be in the interest of justice, if anticipatory bail is granted to the petitioners, however, with stringent conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioners shall jointly deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.20 of 2015 before the learned Judicial Magistrate No.I, Madurai, and execute a bond for a sum of Rs.50,000/- **each** (Rupees Fifty thousand only) with two 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 petitioners shall report before the respondent police every day at 10:30 a.m., for a period of three months and, thereafter, as and when required for interrogation.

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

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

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial 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 amount can be returned to the petitioners at the time of the culmination of the trial.

sd/-
21/04/2017

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI

2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT,
MADURAI

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

ORDER

IN

CRL OP(MD) No.4736 of 2017

Date :21/04/2017

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