



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

Thursday, the Tenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7752 of 2018

NATARAJAN,

... PETITIONER/ACCUSED No.2

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
UPPILIYAPURAM POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.84/2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.T.RAMESH RAJA Advocate
For Respondent : MR.K.SUYMABULINGA BHARATHI,
Government Advocate(Crl.side)
For Intervenor : M/S.VEERA KATHIRAVAN, Senior Counsel for
M/S.VEERA ASSOCIATES

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

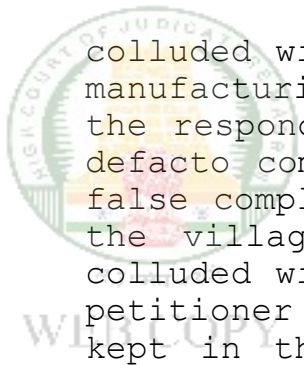
ORDER : The Court Made the following order :-

Heard Mr.P.T.Ramesh Raja, learned counsel appearing for the petitioner, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent and Mr.Veerakathiravan, learned Senior counsel for M/s.Veera Associates appearing for the Intervenor.

2.The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 341, 294(b), 506(i) of IPC and Section 3(1) of TNPPDL Act, in Crime No.84 of 2018, on the file of the respondent Police, seeks anticipatory bail.

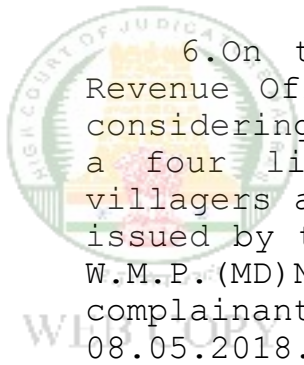
3.The case of the prosecution is that on 26.04.2018 at about 06.00 a.m., the petitioner and other accused wrongly restrained the defacto complainant from entering into his company and they have also damaged the public road, preventing others to proceed towards the said company.

4.On the side of the petitioner, it is stated that the defacto complainant is running an explosive factory exporting explosive materials abroad. 19 persons died due to explosion in the factory and the licence given to the factory was cancelled. Even after the cancellation of the licence, the defacto complainant is unlawfully doing the manufacturing of explosive substance and the officials are



colluded with the defacto complainant and helping him to do illegal manufacturing and when the villagers agitated against this activity, the respondent did not come forward to register a case against the defacto complainant. But as soon as the defacto complainant gave a false complaint, the respondent police registered this case against the villagers. It is further stated that the respondent police colluded with the defacto complainant, broke open the houses of the petitioner and others at midnight and 33 women were arrested and kept in the custody without any women police for protection and after some time, they were released. It is further stated that District Revenue Officer colluded with the complainant and issued a 'No Objection Certificate', even though the defacto complainant is not having a licence to run the manufacturing unit. A school established in the year 1953 is there within 800 metres radius of this manufacturing unit and as per the rules, an explosive factory can be established only 1,500 metres away from the residential area. The complainant was given licence to manufacture 200g Catridges but the complainant is producing 500g catridge and storing more 1000 times quantity of explosives beyond the permitted level. They are polluting the environment and surroundings. The explosive has already endangered 19 human life and endangering the entire village. The petitioner and the villagers are agitating the same. With the help of the police, the defacto complainant is trying to harass the petitioner, and the villagers.

5. On the side of the intervenor, it is stated that the petitioner is not a bonafide person and is not entitled for anticipatory bail. The petitioner is a blackmailer who is involved in several cases and the conduct of the petitioner is to be taken into consideration. Only the business rivals of the defacto complainant induces the petitioner and others to agitate. The defacto complainant is running the industry for the past 25 years without any complaint. The factory is having 200 acres premises. The industry is answerable to the Central Government authorities at Nagpur. Even a single milligram of explosive manufactured has to be reported to the higher authorities. So far no single violation is reported. The defacto complainant obtained permission from all the authorities. All the explosives are manufactured with utmost care and caution. Due to the incident of fire, No Objection Certificate was cancelled by the authorities. The defacto complainant filed a writ petition against the cancellation order. The writ petition was dismissed by this Court by an order dated 27.02.2017. The defacto complainant filed writ appeal in W.A.(MD)No.247 of 2017. In that appeal, the matter is remanded to the District Revenue Officer for fresh consideration. The District Revenue Officer considered the issue on 23.03.2018, only after considering, the No Objection Certificate was issued by the District Revenue Office, Tiruchirappalli. The petitioner and others are demanding ransom from the industry and using cooligan they are agitating against the defacto complainant. The petitioner is already having 4 criminal cases. He is a regular offender. Co-accused are still in custody and they capsize the bus and caused damages to the road and to make money out of the situation, they are demonstrating agitation.

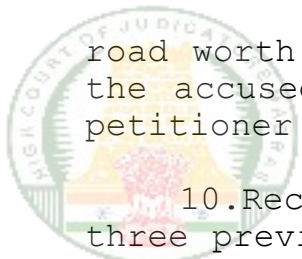


6. On the side of the petitioner, it is stated that District Revenue Officer passed the said No Objection Certificate without considering any of the points raised by the Hon'ble High Court. In a four line order, he gave the No Objection Certificate. The villagers approached this Court against the No Objection Certificate issued by the District Revenue Officer and obtained a stay order in W.M.P.(MD)No.7983 of 2018. Against the stay order, the defacto complainant filed a Special Leave Petition which was dismissed on 08.05.2018. Even in the FIR, it is stated that the petitioner and others waylaid the defacto complainant when he went into industry for work. When the licence is cancelled, there is no need for the complainant to go to the industry and in the FIR, it is clearly stated that the industry is working even though the licence is cancelled. Suppressing the direction issued by the Division Bench in W.A.(MD)No.247 of 2017 dated 13.09.2017, the District Revenue Officer has passed the four line order. Only on seeing the No Objection Certificate which was without taking into consideration any of the points raised by the High Court, the High Court has issued the stay order. Even after the stay order, the factory is running which is proved by complainant and the FIR.

7. On the side of the defacto complainant, it is stated that there are three FIR against the petitioner.

8. On the side of the petitioner, it is stated that these FIRs are registered against the petitioner and all the FIRs are based on the same agitation regarding the accident that occurred during the manufacturing of the explosives. It is further stated that the petitioner filed a complaint against the defacto complainant regarding the occurrence which took place on 26.04.2018. The complaint was taken only on 09.05.2018 and the reason for the delay is not mentioned. It is further stated that four cases are pending against the defacto complainant and the complainant obtained permission for running the industry in two survey numbers of land whereas they have encroached the Government Forest land in 8 survey numbers and they have blocked the pathway leading to the hillock by erecting a gate only after filing the writ petition. Even after, the order of the High Court to remove the encroachment, the defacto complainant have not come forward to remove the encroachment and unlawful occupation of portion of land in 8 survey numbers which belong to the Government. Even when the accident took place, the respondent police did not come forward to arrest the defacto complainant and CBCID filed only defective chargesheet and enabled the defacto complainant to get anticipatory bail. It is further stated that even though the petitioner is not having the licence at present, they received 10 lorry loads of explosive and they were kept inside the premises and copy of the photograph of the same is produced before this Court. The lower Courts are hesitating to release the other accused as this anticipatory bail is pending and prayed the petitioner to be released on anticipatory bail.

9. On the side of the respondent, it is stated that the occurrence took place on 26.04.2018. 16 accused are involved in the occurrence. The petitioner is arrayed as A2 and he had damaged the



road worth about Rs.20,000/- (Rupees Twenty Thousand only). Some of the accused viz., A3, A10, A13 and A15 are still in custody. The petitioner is having three previous cases.

10. Records perused. It is stated that the petitioner is having three previous cases in Crime Nos. 386 of 2016, 390 of 2016 and 289 of 2017 on 01.12.2016, 03.12.2016 and 05.11.2017 respectively. The accident took place in the industry of the defacto complainant and there was agitation and FIR in Crime No.386 of 2016 is registered on 03.12.2016 there was agitation and road roko and thus, a case in Crime No.390 of 2016 is registered and on 04.11.2017, the petitioner and other accused wrongly restrained the defacto complainant from entering into his company and they have also damaged the public road, preventing others to proceed towards the said company. The case in Crime No.239 of 2017 is registered against the petitioner and others. On 04.05.2018, this FIR in Crime NO.84 of 2018 is registered. It is clear that all these cases are registered regarding the agitation of the petitioner and others on the same issue, regarding, the accident occurred in the explosive factory. Hence, these cases cannot be taken so as to prove that the petitioner is a routine offender. It is natural for the villagers to agitate when 19 persons died of an explosive accident. The licence issued to the defacto complainant is cancelled by the authorities. When there is no licence and No Objection Certificate is already stayed by this Court, the petitioner has shocked so much explosive raw materials and number of lorries were taken into the factory and the photograph are not denied by the defacto complainant.

11. Considering the activities of the defacto complainant and considering the nature of offence, this Court is inclined 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Thuraiyur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) each 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 petitioner shall report before the concerned Court daily at 10.30 a.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 the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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)***.

sd/-
10/05/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR
- 2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE,
UPPILIYAPURAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.8449

ORDER
IN
CRL OP(MD) No.7752 of 2018
Date :10/05/2018

SMA/CM/RNB/16.05.2018:5P/6C