



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20808 of 2018

K.MARUTHAIAH

... PETITIONER / ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
CHOCKKAMPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.235/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.NIRANJAN.S.KUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 452 and 379 IPC., and Section 3 of TNPPDL Act, 1992, in Crime No.235 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner / accused went to the Aqua Factory after 6.00 p.m., along with henchmen and had damaged various things of the Factory, worth about to Rs.42,000/-. Based on the complaint of the defacto complainant, who is the Manager of the Company viz., 'I-Aqua Water Company', who have been running Water Packaging Unit with proper license and permits, a case has been registered against the accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner a retired School Teacher, aged about 71 years. The defacto complainant is the Manager of 'I-Aquo Water Company' who are running water packaging unit and extracting lakhs and lakhs litters of water from underground everyday. The factory has caused serious damages and harm to ground water level. The petitioner being an activists had filed Public Interest Litigation in W.P.(MD)No.4820 of 2017, against the said Company. The High Court was pleased to shutdown the factory from functioning till the licence were obtained. Even thereafter, the Company was extracting underground water illegally. Therefore, the petitioner had sent



representations to Municipality and other Authority, who had locked and sealed the premises of the Company and thereafter, by way of Writ, and representation to the Authorities, the factory started functioning.

4. It is his further submission that to wreck vengeance against the petitioner, a false case has been registered against him in Crime No.235 of 2018, as if the petitioner along with henchmen had damaged the said Company. A charge sheet was laid in this case in C.C.No.87 of 2017, pending on the file of the learned Judicial Magistrate, Tenkasi. Against which, the petitioner had filed a quash petition in CrI.O.P(MD)No.17282 of 2018. On notice, the defacto complainant in that case had appeared and submitted that he had not filed any complaint and taken any initiative in this regard. Considering the same, this Court had stayed the proceedings of C.C.No.87 of 2017. The petitioner submits that aggrieved against the same, the petitioner now implicated in the above case, as though the petitioner had caused damage to the motor, water tank and other equipments between 15.07.2018 and 16.07.2018. He further submitted that the petitioner is a retired teacher, who is fighting against the exploitation of water by the defacto complainant Company.

5. The Government Advocate (crl.side) appearing for the State would submit that the accused went to the Factory along with henchmen and had damaged various things of the Factory, worth about to Rs.42,000/-. Based on the complaint of the defacto complainant, a case has been registered against the accused and the investigation is still pending.

6. The learned counsel appearing for the defacto complainant would submit that the petitioner, in order to extract money from them, has been making false allegation to the authorities and has been filing writ petition and had successfully stalled the production of the company for a long time. Thereafter, on inspection of the authorities, the licence was renewed and production has been commenced. The petitioner has got personal motive and thereby indulged in such activities. Therefore, he prayed for dismissal of the petition.

7. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

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

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Tenkasi, on condition that the petitioner shall execute 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;

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police, as and when required, for interrogation

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

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

[e] 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/12/2018

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

TO

1 THE JUDICIAL MAGISTRATE, THENKASI.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE
CHOCKKAMPATTI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.NIRANJAN.S.KUMAR Advocate SR.No.22127

PS/VR-MMS/SAR-1/17.12.2018/3P/6C

ORDER

IN

CRL OP(MD) No.20808 of 2018

Date :12/12/2018