



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.25216 of 2021

S.VIJAYABASKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CHENGALPATTU.
CRIME NO.07 OF 2021

[RESPONDENT]

For Petitioner : M/S. P.G.SANTHOSH KUMAR Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 447, 465, 468, 471, 420 of IPC on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant/Tahsildar lodged a complaint before the respondent police stating that the petitioner has illegally encroached the Government land extent of 5500 Sq. ft. and put up workshops, tea stall and bus parking area and caused revenue loss to the Government. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that he has not committed any offence as alleged by the prosecution. He further submitted that he was allotted with the land as per the order dated 05.05.2008. Based upon that the petitioner was in enjoyment of the property. As per one of the terms of the order, he is ready to



purchase the property and submitted his representation before the concerned authorities and even in the order issued by this Court in WMP No. 14812 of 2021 in WP No. 13941 shows that the petitioner is the authorized allottee of the said land. But the authorities concerned are still perusing his representation and in the mean while, the defacto complainant has lodged the complaint as if he violated the rules in the order dated 05.05.2008. Hence he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the petitioner has illegally encroached the Government land extent of 5500 Sq. ft. and put up workshops, tea stall and bus parking area and caused revenue loss to the Government. He further submitted that he has not complied with the conditions of the order imposed in the year 2008. The said property was only allotted to the petitioner for running M/S.Vijay Industries but he sub leased the property and utilized for workshops, tea stall, bus parking area etc. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. On perusal of the records, it is evident that the said property was only allotted to the petitioner for running M/S.Vijay Industries but he subleased the property and utilized for workshops, tea stall, bus parking area etc. which reveals that the petitioner has grossly violated the terms and conditions of the allotment and is in enjoyment of the Government property unlawfully, which cannot be encouraged by this Court.

6. In view of the above, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the petition seeking anticipatory bail is dismissed.

-sd/-
22/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME
BRANCH, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.G.SANTHOSH KUMAR Advocate on payment of necessary
charges

CRL OP.25216/2021

Date :22/12/2021

RW 05/01/2022