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CRL OP(MD).



23

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

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8787 of 2023

D.Rajapandian, ... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
Criime No.195 of 2012.. ... Respondent/Complainant

For Petitioner : M/s.K. K. Senthil,Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.195 of 2012 on the file of the Respondent Police.

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 447, 379, 406, 420 r/w 3(1) of TNPPDL Act and 4(1)A, 4(2)A, 4(3) and 21(b)(5) of MMDR Act, 1967, in Crime No.195 of 2012 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Village Administrative Officer, Keelavalavu Village. M/s.Coramandel Agencies was granted licensed to quarrying granite stones in S.No.264/1, 264/2A, 2b, 2C, 3, 264/4A, 4b, 5, 6 in the patta lands to an extent of 4.35.0 acres in Keelavalavu Village, Madurai District, vide G.O.Ms.No.3D No.20 dated

<https://www.mca.gov.in/>



27.07.1993. But, they illegally trespassed and quarried the adjoining Government unassessed lands in S.No.267/2 to an extent of 377 Sq.M. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the allegation is against only the Company. Further, the petitioner is employee of the Company. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the co-accused were already released on bail by this Court and investigation was completed and final report was filed before the concerned Court.

5.Considering the facts and circumstances of the case and also considering the fact that final report was filed before the concerned Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, 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 conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the concerned Magistrate Court as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]**; and;



(f)if the accused / petitioner thereafter absconds, a : [R
can be registered under Section 229-A IPC.

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

DSS

TO

- 1 THE JUDICIAL MAGISTRATE
MELUR .
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-7549[I] dated 18/05/2023)

ORDER
IN
CRL OP(MD) No.8787 of 2023
Date :17/05/2023

PKP/CG/SAR- /23.05.2023/ **3P/6C**