



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

Monday, the Twelfth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2165 of 2018

MANIKANDAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
KODANKULAM, TIRUNELVELI DISTRICT.
(CRIME NO.327 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.VINAYAK, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

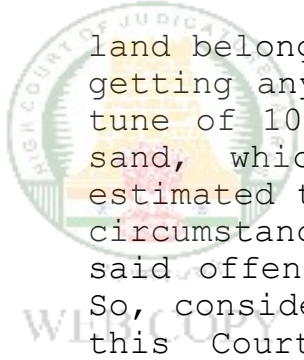
The petitioner/Accused No.1, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 294(b), 379 and 506(ii) of IPC., in Crime No.327 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the tenant in the land belongs to the Thiruvavaduthurai Athinam. While so, on 06.10.2017, the petitioner and other accused unlawfully assembled and illegally quarries the sand from the defacto complainant's land by using JCB, when the defacto complainant questioned the same, the petitioner and other accused threatened him with dire consequences. Hence, the case has been registered against the petitioner and other accused for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, he submitted that the petitioner has been falsely implicated in this case and hence, he prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner being claimed to be the tenant for the



land belongs to the Thiruvavaduthurai Athinam, take the sand without getting any permission from the owner or from the Government to the tune of 100 units. According to the averments made in the FIR, the sand, which was stolen away during the time of occurrence is estimated to the tune of 10.5 lakhs. Considering the facts and other circumstances, it clearly shows that the petitioner committed the said offence with previous intention and pre-planned arrangements. So, considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
12/02/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
KODANKULAM, TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2165 of 2018
Date :12/02/2018

MS/RR-CSL/SAR.3/15.02.2018/2P.3C