



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.53 of 2018

1 CHINNADURAI
2 MUTHUKUMAR

... PETITIONERS / ACCUSED Nos.1&2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
TISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

CR.NO.400 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.A.EBENEZER Advocate

For Respondent : Mr. K.S.DURAIPANDIAN Additional Public Prosecutor

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

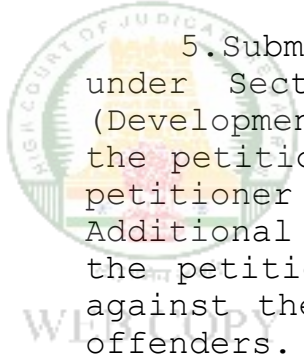
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 379 of I.P.C and 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957 registered in Crime No.400 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 29.12.2017, on seeing the police party, the petitioners left their vehicle, Tipper Lorry, bearing Registration No.TN-74-Q-9632, which was loaded with ½ unit of river sand worth about Rs.1,500/- from Nabbiaru River.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged by the prosecution and they are no way connected with the offences, hence the petitioner plead for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that there are a number of cases pending against the petitioners and they are habitual offender.



5.Submissions made on either side disclose that the offence under Section 379 of I.P.C and 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957 has been registered against the petitioners. Even though the property, which was stolen by the petitioner was recovered, according to the submission made by the Additional Public Prosecutor, two more cases were registered against the petitioners for the similar offences. So, the cases pending against the petitioners show that the petitioners are the habitual offenders. Further, during the time of alleged occurrence, the petitioners committed the theft of sand.

6.In the above said circumstances, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is necessary. So, considering the above said facts and circumstances, this Court is not inclined to grant anticipatory bail. Accordingly, the Criminal Original Petition is dismissed.

sd/-

04/01/2018

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

TO

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

JAM/10/01/2018/CM-VR/ SAR 1/ 2p-3c

ORDER

IN

CRL OP(MD) No.53 of 2018

Date :04/01/2018