



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 03/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). Nos.7239 and 7246 of 2019

1.Senthilkumar
2.Krishnamoorthy

... Petitioners/Accused 5 and 7
in Crl.O.P(MD)No.7239 of 2019

1.Senthilkumar
2.Kumarasamy
3.Elumalai

... Petitioners/Accused 1-3
in Crl.O.P(MD)No.7246 of 2019

Vs

State Rep.by
The Inspector of Police,
Vangal Police Station, Vangal,
Karur District
Crime No.121/2019

... Respondent/Complainant
in both petitions

For Petitioners : M/s.K. Arunraj, Advocate
in Crl.O.P(MD)No.7239 of 2019

For Petitioners : M/s.T.Lenin Kumar, Advocate
in Crl.O.P(MD)No.7246 of 2019

For Respondent : Mrs.M.Ananthadevi,
Govt.Advocate (Crl.Side).
both petitions

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

ORDER : The Court Made the following common order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC, r/w 21(1) Mines and Minerals Act, in Crime No.121 of 2019, seek anticipatory bail.



3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that as per F.I.R., the first petitioner (in Crl.O.P.(MD)No.7246 of 2019) is the owner of the land, in which illegally sand has been mined through three lorries by using of JCB. He further submitted that the first petitioner is having a vast land of 50 acres and only for the purpose reclamation, the soil was taken from one place to another place of his land and no offence has been committed. Therefore, he prayed to grant anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent has submitted that the first accused used to collect the river sand and stored in his land and subsequently, he is selling the said sand to third parties. She further submitted that on information, the Village Administrative Officer went to the spot on 25.09.2019, and found that these accused persons were indulged in illegal sand mining by using three lorries and one JCB and they were escaped from the scene of occurrence and a complaint was lodged by him and based on the said complaint, Tahsildhar went to the spot and seized the vehicles. She further submitted that illegal mining is going on in large scale and investigation is still pending and the custodial interrogation of the petitioners is absolutely necessary and hence, she strongly opposed this petition. She also submitted that the sand involved in this case is 18 units.

5.Taking into consideration of the submission made by the learned Government Advocate (Criminal Side) that the first accused used to collect the river sand and stored in his land and subsequently, he will sell the same to various persons and also the allegation that 18 units of sand found to be illegally mined by using three lorries and one JCB and also the submission of the learned Government Advocate (Criminal Side) that the custodial interrogation of the petitioners is absolutely necessary, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/06/2019

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



To

1.The Inspector of Police,
Vangal Police Station, Vangal,
Karur District.

2.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) Nos.7239 and
7246 of 2019
Date : 03/06/2019

TK/JC/SAR-2/07.06.2019/3P/3C