



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3806 of 2020

Ponni Ramesh @ Ramesh

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Aranthangi Police Station
Pudukkottai District.
Crime No.116/2020.

... Respondent/Complainant

For Petitioner : M/s.M.Suresh, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

FOR ANTICIPATORY BAIL IN CRIME NO.116/2020 FOR THE RESPONDENT POLICE.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner.

It is the case under Section 379 I.P.C. r/w 21 (1) (2) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The case of the prosecution is that the second accused viz., Bakiyaraj along with two others have illicitly transporting three units of river sand on 20.02.2020 from Vellaru river in the Lorry bearing Registration No.TN-31-S-3535. From the statement of the said Backiyaraj, / driver, this petitioner was arrayed as Accused No.1, being the owner of the vehicle. Now, the petitioner in his anticipatory bail submits that he is not the owner of the vehicle and the sale receipt furnished along with the typed set of papers indicate that one Kanagaraj has sold the vehicle to Backiyaraj, who is the second accused in this case. Therefore, the Driver, who is the owner of the vehicle has wrongly informed to the Police that the petitioner is the owner of the vehicle. Hence, he has been arrayed as Accused No.1 and apprehending arrest.



3. The learned Government Advocate (Crl. side) appearing for the State would submit that this is a specific *modus operandi* of the petitioner herein, who used to purchase the vehicle and transport the sand illicitly in the vehicle. But will never get the documents transferred in his name to avoid tracing and would further submit that there are four more cases against this petitioner of similar nature. In which also, he has already adopted the same *modus operandi*. Learned Government Advocate (Crl. side) would further submit that the investigating officer has to get information about the person in whose name the vehicle stands on the said date and the investigation in this regard is still pending. Hence, the anticipatory bail should not be granted to the petitioner.

4. Considering the averments made in the complaint and the submissions made by the learned Government Advocate (Crl. side) appearing for the State, this Court finds that from the statement of the second accused, it was the petitioner herein, who has engaged in transporting the river sand illicitly. The second accused statement is confession in nature, implicating himself as well as Accused No.1, the petitioner herein. During the course of the investigation, the truth of the said inculpatory statement will come to light and this Court cannot *prima facie* conclude that the petitioner is innocent and grant anticipatory bail. The nature of the offence is exploitation of the natural resources, which is becoming rare and rare. Hence, the anticipatory bail petition stands dismissed.

sd/-

04/03/2020

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/ /2020

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

TO

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

+1 CC to M/s.M.SURESH, Advocate (SR-4775[I] dated 04/03/2020)

ORDER IN

CRL OP(MD) No.3806 of 2020

Date :04/03/2020

TSG

TE/JC/SAR-II : 10/03/2020 : 2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>