



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4577 of 2020

1.Babu,
2.Seenivasan ... Petitioners/Accused rank not known

Vs

The State rep.by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
Crime No.48 of 2020. ... Respondent/Complainant

For Petitioner : Mr.M.Murugesan,
Advocate.

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

PRAYER :-

To enlarge the Petitioners on bail in the event of their arrest in Cr.No.48 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of IPC r/w Section 4 (1) (1A), 4 (2), 21(1), 21 (5) of Mines and Minerals act, 1957, in Crime No.48 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The petitioners herein are owner and driver of the tipper lorry bearing Registration No.TN 36 J 3646. Based on the complaint given by Deputy Tahsildar, the respondent Police has registered a case against the petitioners on 17.02.2020 for the alleged offence of illegally transporting three units of red sand in the said vehicle. The petitioners have defied the signal of the Deputy Tahsildar and asked the petitioner to stop their vehicle. When the



vehicle was stopped these petitioners have pleaded away from the scene of occurrence and seized the offending vehicle which was carrying three units of red sand.

3.The learned counsel appearing for the petitioners would submit that the sand was excavated from patta land. Therefore, there is no criminality.

4.Even mining a sand from patta land, for transport proper permit should have been obtained. In this case, the petitioner had not obtained permit and the transport being done illegally, so this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this criminal original petition is dismissed.

sd/-
13/03/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

ORDER
IN
CRL OP(MD) No.4577 of 2020
Date :13/03/2020

vsg
AE/PN/SAR-III (15.05.2020) 2P 3C