



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

Date : 27/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8920 of 2020

Nepoleon

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
Crime No.165 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Kannan,
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 bai in Crime No.165 of 2020 on the file of the Respondent Police

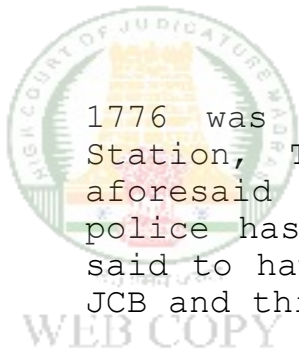
ORDER : The Court made the following order :-

The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C. and Section 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.165 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A-1 and this is the second anticipatory bail application. The allegation is that the petitioner said to have illegally transported Two Units of river sand by using JCB and lorry. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4.The learned counsel appearing for the petitioner would submit <https://hservices.ecourts.gov.in/hservices/> the petitioner's JCB bearing Registration No.TN-76-S-



1776 was seized by the Inspector of Police, Masarpatti Police Station, Thoothukudi District, in Crime No.16 of 2020 and the aforesaid vehicle is now in police custody, now the respondent police has registered the present complaint, as if the petitioner said to have illegally transported river sand with the help of same JCB and this is a false case. Hence, he seeks anticipatory bail.

5.The learned Government Advocate(criminal side) appearing for the respondent police, on instructions, submitted that there are 11 previous cases are pending against the petitioner in similar offence, now using another JCB petitioner involved in illegal quarry of sand.

6.On perusal of records, it is seen that earlier, the petitioner has involved in illegal quarrying of sand with a JCB bearing Registration No.TN-76-S-1776 and hence, a case was registered in Crime No.16 of 2020 by the Inspector of Police, Masarpatti Police Station, Thoothukudi District and the aforesaid JCB was seized. Insofar as the present crime is concerned it is only stated that the petitioner using JCB indulged in illegal quarry and transport of sand. It is stated by the learned counsel appearing for the petitioner that he is having only one JCB the same was already seized and hence, there was an allegation for quarrying with another JCB. The contention of the learned counsel cannot be accepted for a simple reason that in the present FIR no JCB registration number was not given, and it cannot presume that the petitioner is having only one JCB and there is a possibility of having another JCB also. That apart, the petitioner is having 11 previous cases similar in nature.

7.In view of the above, this Court is not inclined to grant anticipatory bail to the petitioner and the Criminal Original Petition is liable to be dismissed.

8.Accordingly, the Criminal Original Petition stands dismissed.

sd/-

27/08/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KANNAN, Advocate (SR-6156[I] dated 28/08/2020)

ORDER

IN

CRL OP(MD) No.8920 of 2020

Date : 27/08/2020

ksa

TK/PN/SAR.3/03.09.2020/3P/4C