



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

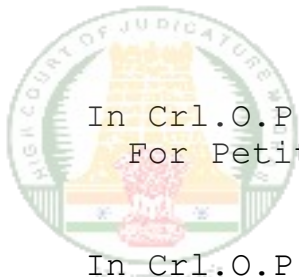
CRL OP(MD) .Nos.9646,10067,10210,
10222,10253,10280 and 10283 of 2020

Lakshmi Ganesan	... Petitioner/Accused No.1 (in CRL OP(MD)No.9646/2020)
Kumaresan	... Petitioner/ Accused rank not known (in CRL OP(MD)No.10067/2020)
Gunasekaran	... Petitioner Accused rank not known (in CRL OP(MD)No.10210/2020)
1. Ayyasamy 2. Sathishkumar	... Petitioners Accused rank not known (in CRL OP(MD)No.10222/2020)
Velmurugan	... Petitioner Accused rank not known (in CRL OP(MD)No.10253/2020)
R.Vijayakumar	... Petitioner/Accused (in CRL OP(MD)No.10280/2020)
A.Pandian	... Petitioner/Accused (in CRL OP(MD)No.10283/2020)

Vs

The State rep. by
The Inspector of Police,
Sipcot Police Station,
Manamadurai,
Sivagangai District.
(Crime No.221 of 2020)

... Respondent/Complainant
(in all the Petitions)



In Crl.O.P.(MD).No.9646 of 2020
For Petitioner : Mr.R.Balamuruganantham,
Advocate.

In Crl.O.P.(MD).Nos.10067, 10222 and 10253 of 2020
For Petitioners: Mr.P.Senguttuarasan,
Advocate.

In Crl.O.P.(MD).No.10210 of 2020
For Petitioner : Mr.M.Murugesan,
Advocate.

In Crl.O.P.(MD).Nos.10280 and 10283 of 2020
For Petitioner : Mr.K.Muthu Ganesa Pandian,
Advocate.

In all the Petitions
For Respondent : Mr.R.Saravana Kumar,
Government Advocate (Criminal Side)

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

PRAYER :-

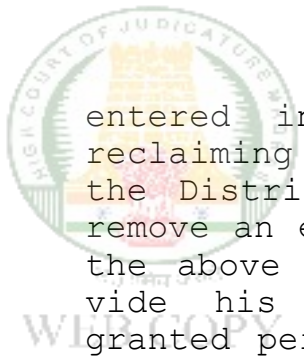
For Anticipatory Bail in Crime No.221/2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

Totally there are thirty three accused in this case, the petitioners are arrayed as A1, A16, A12, A9, A11, A6 and A5. The petition in Crl.O.P.(MD).No.9646 of 2020 has been filed by A1, and the petition in Crl.O.P.(MD).No.10067 of 2020 has been filed by A16, and the petition in Crl.O.P.(MD).No.10253 of 2020 has been filed by A12, and the petition in Crl.O.P.(MD).No.10222 of 2020 has been filed by A9, and the petition in Crl.O.P.(MD).No.10210 of 2020 has been filed by A11, and the petition in Crl.O.P.(MD).No.10280 of 2020 has been filed by A6, and the petition in Crl.O.P.(MD).No.10283 of 2020 has been filed by A5, seeking anticipatory bail.

2.The petitioners, who are arrayed as A1, A16, A12, A9, A11, A6 and A5, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 379 and 511 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.221 of 2020, seek anticipatory bail.

3.The case of the prosecution is that an extent of 1.32.5 Hectares of land in Survey No.45/2B, situated at Seikalathur Village, Manamadurai, Sivagangai District, belongs to one Ponnambalam. Earlier, A1 in this case viz., Lakshmi Ganesan has



entered into a lease agreement with the original owner for reclaiming the land. Thereafter, A1 has filed an application before the District Collector, Sivagangai District seeking permission to remove an extent of 10395 cubic Metres of "Uvari sand" available in the above said land. The District Collector, Sivagangai District, vide his proceedings dated 23.05.2020, in Na.Ka.No.2/250/2020 granted permission to A1 to remove sand an extent of 10395 cubic meters, within 55 days with some other conditions. Thereafter, A1 quarried sand and dug 20 feet deep pit in the above said land by using JCB and transported huge quantity of savudu sand by using 16 lorries . After knowing about the same, the Village Administrative Officer, Seikalathur, and the respondent Police went to the place of occurrence and inspected the same, and after seeing the police party all the accused persons said to have escaped from the scene of occurrence. Based on a complaint given by the defacto complainant, the crime has been registered against the petitioners.

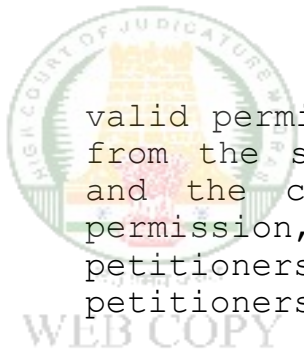
4.The learned counsel appearing for the petitioner in Crl.O.P. (MD).No.9646 of 2020, submitted that A1 in this case already got permission from the concerned authorities for quarrying sand available in the above said land. He further submitted that only after getting permission, the petitioner said to have transported the same.

5.The learned counsel appearing for the petitioners in Crl.O.P. (MD).Nos.10067, 10253, 10222, 10210 10280 and 10283 of 2020, submitted that due to previous enmity, the petitioners have been falsely implicated in this case. Even though, none of the lorries were seized, through the seizure mahazer, no sand has been transported by the petitioners. He further submitted that the petitioners are only drivers and there is no other serious allegations against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

6.The learned Government Advocate (Criminal Side) appearing for the respondent Police vehemently opposed the bail application, stating that A1 got permission from the concerned authorities to remove an extent of 10395 cubic meters of sand available in the said land. But, A1 and other accused quarried sand in 20 feet depth and transported the huge quantity of sand without valid permission by using 16 lorries and JCB. Based on a complaint given by the defacto complainant, the respondent police, inspected the place of occurrence and 16 lorries and JCB were seized, a status report has been filed by the respondent Police.

7.I have considered the rival submissions.

8.On perusal of the materials available on records, it is seen that A1 got permission from the concerned authorities to remove only 10395 cubic meters of sand, but, A1 and other accused quarried huge quantity of sand and transported by using 16 lorries and JCB without



valid permission. It is also seen that all the lorries were seized from the scene of occurrence. Considering the above circumstances and the considering the gravity of offence that without valid permission, huge quantity of Savudu sand has been transported by the petitioners, I am not inclined to grant anticipatory bail to the petitioners.

9. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
25/09/2020

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/ /2020
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,
SIPCOT POLICE STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) .Nos. 9646,10067,10210,
10222,10253,10280&10283/2020
Date :25/09/2020

VSG
SRS/ JC/ SAR-IV/ 01.10.2020/ 4P/3C