



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

Date : 28/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10401 of 2020

Kothandapani

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Sipcot Police Station,
Sivagangai District.
Crime No. 221 of 2020.

... Respondent/Complainant

For Petitioner : M/s.P.Senguttuarasan, Advocate.

For Respondent : Mr.R.Saravana Kumar,
Government Advocate (Crl.Side)

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

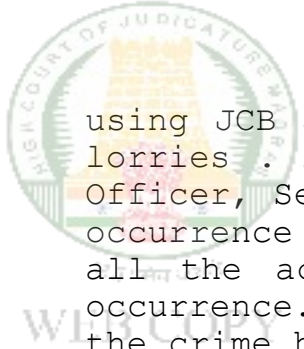
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent police for the offences punishable under Section 379, 511 I.P.C., r/w Section 21(4) of the Mines and Minerals (Development and Regulation) Act in Crime No.221 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.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.

3.The learned counsel appearing for the petitioner 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. He further submitted that due to previous enmity, the petitioner has 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 petitioner. He further submitted that the petitioner is only driver and there is no other serious allegations against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl 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.

5.I have considered the rival submissions.

6.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 petitioner, I am not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed.

sd/-

28/09/2020

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

ORDER
IN
CRL OP(MD) No.10401 of 2020
Date :28/09/2020

GNS
TE/AKM/SAR-III : 06/10/2020 : 3P/3C