



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

Date : 20/11/2020

PRESENT

**The Hon`ble Mr.Justice S.M.SUBRAMANIAM**

**CRL OP(MD) .No.13102 of 2020**

Senthil Kumar @ Senthil

... Petitioner/Accused

Vs

State Rep.by,  
The Inspector of Police,  
Thiruchuli Police Station,  
Virudhunagar District.  
(Crime No.339 of 2020).

... Respondent/Complainant

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

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.339 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 353, 341, 427 and 506(i) IPC seeks anticipatory bail.

2.Pursuant to the orders passed by this Court, the Inspector of Police present before this Court. and made a submission that the address of the accused is not made available.

3. This Court is of the considered opinion that the answer is undoubtedly evasive. The police officer is not supposed to say that only on receipt of address he is supposed to arrest the accused person. His duty is to investigate the case properly and arrest the accused persons by collecting information. Thus the answer though not acceptable the Inspector of Police made a submission that immediate action will be taken to nap the accused persons by conducting proper investigation.



4. As this Court has passed an order on 19.11.2020 stating that the law enforcing Government Officials more specifically the revenue officials and other department officials are to be protected by the police while performing their lawful duties in the event of not providing adequate protection the government officials will not be in a position to prevent such illegal smuggling of sand and other minerals and therefore any such action are to be viewed seriously and in the event of any inaction by the police officials there is a possibility to drawing factual inference that there may be a chance for collusion. Thus the higher officials must review such long pending cases of sand smuggling and find out whether there is lapse of negligence and dereliction of duties on the part of the station officers. Mostly such sand smuggling are done by the local people or with the help of the local people. Thus action must be swift and in the event of not arresting such persons who are all involving in attacking other Government Department Officials then the same will provide encouragement to such illegal mining activities. Therefore the police officials whenever the regular raids and check up by the revenue officials must be provided sufficient protection and in the event of any complaint by the revenue officials swift actions ought to be initiated and the culprits are to be napped without any further delay.

5. In the present case the case was registered in the month of August 2020 nearly about 4 months lapsed, still the petitioner is not arrested. Anticipatory bail petition was filed and there is likelihood of collusion and a larger investigation is also required in this aspect by the higher officials. However the Inspector of police who is present before this Court made a submission that immediate actions will be taken within a period of one week. In view of the said submission the respondent police is directed to take immediate action by following the procedure as contemplated. As far as granting anticipatory bail is concerned, the petitioner is absconding and it is not preferable to consider the anticipatory bail petition.

6. Hence this Criminal Original Petition stands dismissed.

sd/-  
20/11/2020

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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,  
THIRUCHULI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.13102 of 2020  
Date :20/11/2020

aav  
PK/JC/SAR-III/26.11.2020 : 3P/3C