



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

Date : 18/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.431 of 2021

Mahesh

... Petitioner/Accused

Vs

The State Rep.by,
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Cr.No.408 of 2019)

... Respondent/Complainant

For Petitioner : Mr.S.Sivakumar,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.408 of 2019 on the file of the Respondent Police.

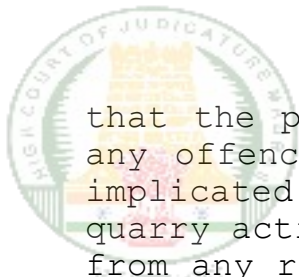
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w Section 21(1) of the Mines & Minerals (Development & Regulation) Act in Crime No.408 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 11.10.2019 at about 06.00 a.m., when the respondent police was in patrol duty near Gnaranvilai bridge, Kuzhikadavil, the petitioner and other accused loaded river sand in a tipper tempo. On seeing the police party, they ran away from the scene of occurrence and thereafter, the police seized the vehicle and ¼ unit of sand. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner submitted

<https://hcservices.ecourts.gov.in/hcservices/>



that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that there is no quarry activities in the Kanyakumari District and sand was not taken from any river. He also submitted that the sand was taken from the construction site and there is no bad antecedents as 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 submitted that while the respondent police was in patrol duty near Gnaranvilai bridge, Kuzhikadavil, the petitioner and other accused loaded river sand in a tipper tempo. On seeing the police party, they ran away from the scene of occurrence and thereafter, the police seized the vehicle and $\frac{1}{4}$ unit of sand. He further submitted that the investigation in this case is pending and that the petitioner is the driver of the vehicle. He also submitted that the natural wealth of our country are not to be disturbed in any manner and the persons, who are involved in such activities are not to be given any leniency by granting anticipatory bail. Further, the petitioner involvement with regard to the offence and the persons to whom he had been selling the river sand have to be ascertain, for which, custodial interrogation is very much necessary. Hence, he opposed to grant anticipatory bail to the petitioner.

5. It is seen that when the respondent police was in patrol duty near Gnaranvilai bridge, Kuzhikadavil, the petitioner and other accused loaded $\frac{1}{4}$ unit of river sand and this Court is of the view that custodial interrogation of this petitioner is necessary to ascertain other persons involvement in the crime. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

18/01/2021

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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,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.431 of 2021

Date : 18/01/2021

gns

PK/KV/SAR-I/27.01.2021 : 2P/3C