



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

Date : 04/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.571 of 2021

Kumar

... Petitioner/Accused

Vs

State by,
The Inspector of Police,
Iluppur Police Station,
Pudukottai District.
Crime No.332 of 2020.

... Respondent/Complainant

For Petitioner : Mr.G.V.Vairam Santhosh,
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.332 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w Sections 21(1) and 21(2) Mines and Minerals (Development and Regulation) Act 1957, in Crime No.332 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner said to have illegally transported river sand by using Tractor. Hence, a case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above said case. He further submitted that it is not a river sand and the First Information Report it is mentioned as river sand, which is not clear. He further submitted that the petitioner had filed a writ petition in W.P.(MD)No.482 of 2021 before this Court seeking return of lorry, bearing Registration No.TN55 BU 2505 (Agricultural Tractor)along with trailer. This Court by order dated 18.01.2021 allowed the writ petition based upon the respondents submitted that it is not a river sand.



4.Perused the materials available on record.

5.The learned Government Advocate (Criminal side) would submit that the contention of the petitioner is false. He further submitted that it is a river sand, the respondent police seized the sand and the same was handed over to the Mines and Minerals Department and hence, he strongly opposed to grant anticipatory bail to the petitioner.

6.Considering the submissions and perused the materials, this Court finds in W.P.(MD)No.832 of 2021, there is no mention about the submissions and admissions made by the respondents 1 to 3, namely, the Assistant Director, Geology and Mining, Pudukottai District, The Revenue Divisional Officer, Iluppur Taluka, Pudukottai District and the Inspector of Police, Iluppur Police Station, Pudukottai District. None of the respondents have stated nothing with regard to the same, more so about the river sand.

7.In view of the same, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-
04/02/2021

/ TRUE COPY /

/ /2021
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, ILUPPUR POLICE STATION,
PUDUKOTTAI DISTRICT.

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

ORDER IN
IN
CRL OP(MD) No.571 of 2021
Date :04/02/2021

SJI

<https://hccvscs.courts.madras.gov.in/hccservices> 2.2021 : 2P/3C