



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

Date : 29/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.992 of 2021

Murugesan ... Petitioner/Accused No.2

Vs

State Rep.by,
The Inspector of Police,
Annavasal Police Station,
Annavasal,
Pudukkottai District.
Crime No. 122 of 2019. ... Respondent/Complainant

For Petitioner : Mr.T.Vadivelan,
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 :-

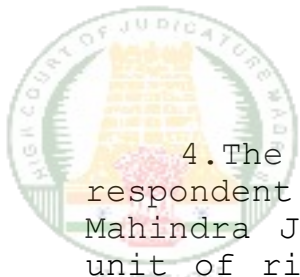
For Anticipatory Bail in Crime No.122 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 I.P.C r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner without valid permission had illegally transported one unit of sand.

3.The learned counsel appearing for the petitioner submitted that the petitioner is not present in the scene of occurrence and he is only the owner of the lorry and the driver has misused the vehicle without his knowledge. He would also submit that occurrence has taken place on 13.07.2019 and after 1 ½ years the respondent police is now attempting to arrest the petitioner, hence he seeks bail.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that petitioner is the driver of the Mahindra Jeep along with tractor and he has also transported one unit of river sand. He would also submit that during investigation it came to light that the petitioner had only instructed A1 to transport river sand and further the number plate of the vehicle was also erased.

5. Taking into consideration the above facts and circumstances of the case and also taking note of the fact that the petitioner was involved in illegal transportation of river sand, this Court is not inclined to grant anticipatory bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
29/01/2021

/ 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,
ANNAVASAL POLICE STATION,
ANNAVASAL, PUDUKKOTTAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.992 of 2021
Date : 29/01/2021

AAV
PK/JC/SAR-II/03.02.2021 : 2P/3C