



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.1585 of 2021

Muralikumar @ Murali

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
Crime No.319/2020

... Respondent/Complainant

For Petitioner : Mr.Babu Jaganath.R, Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.319 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21 (4) of Mines and Minerals r/w 379 of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that on 09.12.2020, at about 22.30 hours, based on the secret information, the Sub Inspector of Police, Thirupalaikudi Station found that the petitioner transported half unit of river sand illegally.

4. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that this is the second anticipatory bail application filed on the ground that substance portion of the investigation is over and the petitioner is no way involved in the offence and he is ready to file undertaking affidavit that in future he will not indulge such activities and he is ready to deposit any amount imposed by this Court.



5.The learned Government Advocate (Crl.Side) submitted that this is the second anticipatory bail application.

6.Earlier bail application was dismissed on 30.12.2020 holding that a ban order is in force in Crl.OP.No.13334 of 2020 etc., dated 03.09.2020. This petition came to be filed for the second time on the ground that substantial portion of the investigation is over and the petitioner is no way involved in the offence and he is ready to file undertaking affidavit that in future, he will not indulge any such activities and he is ready to deposit any amount imposed by this Court.

7.Decision of the Hon'ble Supreme Court in SLP.No.6029 of 2020 dated 11.12.2020 shows that individual cases must be taken into account for considering the anticipatory bail application. So, I called for CD file from the concerned police and perusal of CD file shows that substantive evidence has been collected by the Investigation Agency against the petitioner, illegally transported half unit of river sand. Since river sand is alleged to have been illegally transported, I am not inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-
09/02/2021

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

ORDER IN
CRL OP(MD) No.1585 of 2021
Date :09/02/2021