



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1697 of 2021

1. Marimuthu,
(Petitioner Name Was Wrongly Mentioned
in the FIR Mokkaiah),

2. Mariyappan ... Petitioners/Accused No.2&3

Vs

The State rep. by
The Inspector of Police,
Alankulam Police Station,
Virudhunagar District.
Crime No. 4 of 2021

... Respondent/Complainant

For Petitioners : Mr.Rajaboopathy.D.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under section 379 of
I.P.C., r/w. 4(1)(1A) and 21(1) of Mines and Minerals (Development
& Regulations) Act, 1957, in Crime No.4 of 2021, on the file of the
respondent police, seek anticipatory bail.

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

3. The case of the prosecution is that on 05.01.2021, the



petitioners transported one unit of river sand and on seeing the police party, the ran away from the place of occurrence.

4. The learned counsel appearing for the petitioners submitted that the petitioners never committed any offence, as alleged by the prosecution. They are daily wage coolie workers, no way connected with the offence and only for the statistical purpose, they have been falsely implicated in this case.

5. The learned Government Advocate (crl.side) appearing on behalf of the State would submit that there are totally three accused in this case and the petitioners are A2 and A3. He strongly opposed the application with the contention that there is strong prima facie case to connect with the offences charged against the accused. Investigation in this case is pending and the release of the accused on anticipatory bail would affect the on-going investigation. Hence, prayed for dismissal of the application.

6. In the light of the submissions made on either side and the overall facts of the case, I am not inclined to grant anticipatory bail to the petitioners, at this stage, Accordingly, this Criminal Original Petition stands dismissed.

sd/-

08/02/2021

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

ORDER IN
CRL OP(MD) No.1697 of 2021
Date :08/02/2021

MPK

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TE/SMA/SAR-11 : 11/02/2021 : 2P/3C