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

Date : 26/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3057 of 2021

1. Marimuthu
2. Mariyappan

... Petitioners/Accused Nos.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.D.Rajaboopathy,
Advocate.

For Respondent : Mr.R.Srinivasan,
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 :-

The petitioners, who are arrayed as Accused No.2 and 3, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of IPC, r/w 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were said to have illegally transported one unit of river sand. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the first petitioner is having two previous cases of similar in nature. He further submitted that the petitioners and other accused persons were said to have illegally transported one unit of river sand.

6. Earlier the petitioners had filed anticipatory bail petition in Crl.O.P.(MD).No.537 of 2021 and the same was dismissed as withdrawn. Thereafter, another anticipatory bail petition was filed in Crl.O.P.(MD).No.1697 of 2021 and it was also dismissed on merits.

7. This is the third application and there is no change of circumstances to entertain this application. Considering the facts and circumstances of the case and also considering the fact that the petitioners were found in possession of one unit of river sand and the first petitioner is having two previous cases of similar in nature. Hence, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
26/02/2021

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/ /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,
ALANKULAM POLICE STATION,
TIRUPUR DISTRICT.

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



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

+1 CC to Mr.D.RAJABOOPATHY, Advocate (SR-1617[I] dated 02/03/2021)

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ORDER

IN

CRL OP(MD) No.3057 of 2021

Date :26/02/2021

vsg

AE/JC/SAR-I (03/03/2021) 3P / 4C