



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3324 of 2021

Rajarajan ... Petitioner/Accused No.2
Vs

The State rep.by,
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District
Crime No. 20/2021..

... Respondent/Complainant

For Petitioner : Mr.Karunakaran.K.M.,
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 Cr.No. 20 of 2021 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C., r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.20 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons were said to have illegally transported half unit of river sand by using Mahindra Maximo van. Hence, a complaint has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is not having any bad antecedent. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is no previous case pending



against the petitioner. He further submitted that the petitioner is the owner of the vehicle and his name is found place in the FIR.

5. On perusal of the materials available on records, it is seen that totally there are two accused in this case, in which, the petitioner has been arrayed as A2 and he is the owner of the vehicle. It is also seen that he had given his vehicle to A1 on 30.12.2019 and also entered into lease agreement, in which, it is contended that from the date of handing over the vehicle, if the vehicle is involved in any offence or any activities, the lessee, Senthilkumar would be liable. This document clearly shows that the petitioner was aware for what purpose the vehicle was given.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner has known to what purpose the vehicle was given to A1, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
11/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3324 of 2021
Date : 11/03/2021

NR/PN/SAR-III(16.03.2021) 2P:3C