



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

Date : 18/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3513 of 2021

M.Kubera Sundar

... Petitioner/Accused No.3

Vs

The State represented by,
The Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District
Cr No.417/2020.

... Respondent/Complainant

For Petitioner : Mr.R.Rajesh Kumar,
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. 417 of 2020 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 offense under Section 379 and 120(b) of IPC r/w Section 21(1)(iv) of Tamilnadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.417 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and others were said to have illegally transported 11,046 units of river sand. Hence, a complaint has been registered.

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

4.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.

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

6.On perusal of the materials available on records, it is seen that the petitioner has been arrayed as A3. Initially FIR was registered only against A1 and during the investigation, other accused have been find out. In this case totally there are 23 persons have been arrayed as accused. It is submitted that the Deputy Thasildar, who along with team and revenue officials have inspected the occurrence place and it was found that huge river sand have been mined and transported. This Court earlier had held that these acts cannot be done without connivance of the accused, officials and persons in power. As regards this petitioner, A2 had clearly stated that he had purchased all the sands whether M sand or river sand only through this petitioner and invoice and bills, which have been produced by him, which was obtained through this petitioner. Further the bills and invoice along with permission documents of Mines and Minerals Department found to be forged and 11,406 units of river sand have been seized. It is also seen that it is a clear case of sand theft and it is clearly proved.

7.Considering the facts and circumstances of the case and also considering the fact that the custodial interrogation of the petitioner is very much required, this Court is not inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
18/03/2021

/ 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,
KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to Mr.R.RAJESH KUMAR, Advocate SR.No.12397 (F)

ORDER

IN

CRL OP(MD) No.3513 of 2021

Date :18/03/2021

vsg

PK/VR/25.03.2021 : 3P/4C