



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

Date : 16/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.3713 of 2021

Soosaimanickam

... Petitioner/Sole Accused

Vs

1.The State rep.by
The Inspector of Police,
Vaiyampatty Police Station,
Trichirappalli District.

2.The Sub-Inspector of Police,
Vaiyampatti Police Station,
Tiruchirappalli District.
Crime No.78 of 2021

... Respondents/Complainants

For Petitioner : Mr.K.S.Kathiravan,
Advocate.

For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

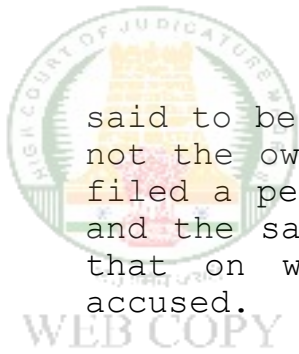
For Anticipatory Bail in Crime No.78 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offence punishable under Section 379 IPC
and Section 21(1) of the Mines and Minerals (Development and
Regulation)Act, in crime No.78 of 2021 on the file of the respondent
police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons
illegally took sand by using the petitioner's JCB. Hence,the
complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is an innocent person. As per FIR, the petitioner is



said to be a Driver as well as the owner of JCB. The petitioner is not the owner one Arulappan is the owner of the vehicle and he had filed a petition in Cr.M.P.No.924 of 2021 seeking return of vehicle and the same was ordered with conditions. He would further submit that on wrong premises, the petitioner has been arrayed as an accused.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner is the owner of the vehicle and hence, he has been arrayed as an accused.

5.It is seen that the petitioner is involving in the offence of sand mining. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
16/03/2021

/ 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,
VAIYAMPATTY POLICE STATION,
TRICHIRAPPALLI DISTRICT.
- 2.THE SUB-INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3713 of 2021
Date :16/03/2021

GNS
TK/VR/07.04.2021/2P/4C