



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

Date : 07/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD)No.4959 of 2021

WEB COPY

N.Karthikeyan

(Wrongly Mentioned in FIR as
Karthik)

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District
Cr No.448/2020.

... Respondent/Complainant

For Petitioner : M/s.Lajapathi Roy.T.,Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 448/2020 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 alleged offences punishable under Section
379 IPC and Section 21(1) of the Mines and Minerals (Development &
Regulation)Act, 1957 in Crime No.448 of 2020, seeks anticipatory
bail.

2.The case of the prosecution is that the accused persons
illegally transported ½ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he did not commit any offence
as alleged by the prosecution. He further submitted that in FIR it
has been mentioned that the accused persons transported sand in a
tractor bearing registration No.TN01Z3459, which belonged to one
Karthick, son of Natarajan. On the other hand, one Karthikaisamy
filed a petition before this Court in W.P.(MD)No.1311 of 2021 to
release the above said tractor, claiming himself as a owner and the
said petition was allowed on certain conditions. Hence, he prayed
for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the
respondent police strongly opposed this petition on the ground that
river sand was illegally transported on behalf of the petitioner and



his name has been specifically mentioned in FIR.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

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6. It is seen that the accused persons illegally transported ½ unit of river sand. The offence involved in this case is not against the particular individual, but against the Society at large. In spite of several measures taken to protect the natural resources, petitioner and persons like him continue to indulge in illegal theft and transportation of river sand. This illegal mining greatly affects the biodiversity and the environment and ultimately the public.

7. Considering the above facts and also considering the fact that there is specific mention in FIR that river sand was illegally transported on behalf of the petitioner herein, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

07/04/2021

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/ /2021

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

GNS

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
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.LAJAPATHI ROY.T. Advocate SR.No.2974

ORDER

IN

CRL OP (MD) No.4959 of 2021

Date : 07/04/2021

SMA/PN/SAR-1/17/04/2021/2P/4C