



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

Thursday, the Eighth day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.5059 of 2021

RADHAKRISHNAN

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO.42/2021.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.SANKARAKUMARAKURUPARAN.K.P Advocate
For Respondent : R.Erottuchamy,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under section 379 of IPC and Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.42 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3.It is seen from the submissions made that on 20.03.2021, the Revenue Insepctor, Alangulam Mini Circle, Ramanathapuram, inspected the area and found that the accused Nos.1 and 3 to 8 involved in sand theft by using three JCBs and three lorries in the petitioner's land.

4.The learned counsel for the petitioner submitted that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail. He further submitted that the petitioner tried to start brick kiln in his land from the year 2017 and obtained permission to take sand legally through e-pass.



5.The learned Government Advocate (criminal side), on instructions, submitted that the respondent police has found the alleged theft of sand.

6.The petitioner has not produced any evidence to support his case that he purchased the land legally and got an e-pass to take 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.In view of the aforesaid facts and considering the fact that the petitioner has not produced any evidence to support his case that he purchased the land legally and got an e-pass to take sand, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
08/04/2021

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

TO

- 1.THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

RL/3C/2P.26/4/2021

ORDER
IN
CRL OP(MD) No.5059 of 2021
Date :08/04/2021