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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5126 of 2021

Nepolean,
S/o. Palraj,
Bangalow St,
Thruvaiyaru,
Thanjavur District.

... Petitioner/Accused

Vs

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District
Cr No. 126/2021.

... Respondent/Complainant

For Petitioner : M/s.Elumalai.S.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 126/2021 on
the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest
at the hands of the respondent police for the alleged



Section 21(1) of the Mines and Minerals (Development & Regulation) Act 1957 in Crime No.126 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused illegally transported 1/4 unit of river using bullock cart. 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 this Court passed an order in CrI.O.P.(MD)No.14500 of 2020, on 17.09.2020, permitting the petitioner therein to surrender before the Court below and file a petition. He requested before this Court to pass such similar order in this case also.

4.The learned Government Advocate(CrI.Side) appearing for the respondent police strongly opposed this petition on the ground that the petitioner and other accused illegally transported ¼ unit of sand and on seeing the search party headed by defacto complainant, the petitioner and other occupants escaped from the scene of crime.



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5. It is seen that the petitioner and other accused illegally transported $\frac{1}{4}$ unit of sand by using an bullock cart. Considering the request made by the learned counsel for the petitioner, this Court is inclined to follow the above said order. Accordingly, this criminal original petition is dismissed. However, the petitioner shall surrender before the concerned Court and file a bail petition. On such filing of the petition, the Court below shall consider the same and pass orders on merits, on the same day and in accordance with law.

(G C S J)
15.04.2021

AAV

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,
Thiruvaiyaru Police Station,
Thanjavur District Cr No. 126/2021.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.CHANDRASEKHARAN, J

AAV

ORDER
IN
CRL OP (MD) No.5126 of 2021

Date : 15/04/2021