



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5342 of 2021

1. Raj Beno  
2. Kanagaraaj ... Petitioners/Accused Nos.2 & 3

Vs

The State  
rep by its The Inspector of Police,  
Puthukadai Police Station  
Kanyakumari District.  
Cr No. 157/2021. ... Respondent/Complainant

For Petitioners: Mr.Sivakumar.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.157 of 2021 on the file of  
the respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the  
respondent police for the alleged offences punishable under Section  
379 of IPC, in Crime No.157 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other  
accused persons said to have illegally transported red soil by using  
two tempos bearing registration Nos.TN-75 B2414 and TN22 AL 8916.  
The petitioners are driver cum owner. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted  
that the petitioners are innocent persons and they did not commit  
any offence as alleged by the prosecution. Hence, he prayed for  
grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police strongly opposed this petition on the ground that red soil was illegally transported and the first petitioner is having three previous cases, out of which, two cases are similar in nature.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

6.It is seen that the accused persons illegally transported red soil and the first petitioner is having three previous cases. 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, petitioners and other accused persons like him continue to indulge in illegal theft and transportation of sand. This illegal mining greatly affects the biodiversity and the environment and ultimately the public. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petition is dismissed.

sd/-

16.04.2021

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/ /2021

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

vsg

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,  
Puthukadai Police Station  
Kanyakumari District.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER  
IN

CRL OP (MD) No.5342 of 2021  
Date : 16/04/2021