



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5481 of 2021

1. Manikandan

2. Velraj ... Petitioners/Accused Nos.3 and 4

Vs

State rep by its

The Sub Inspector of Police,

Koodankulam Police Station, Koodankulam

Tirunelveli District.

Crime No.108 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Ramakrishna Dass.N.S.,
Advocate.

For Respondent : M/s.R.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

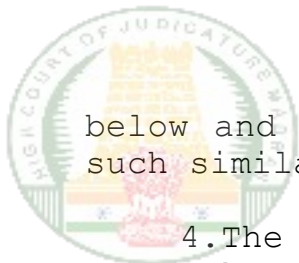
To Anticipatory Bail in Crime No.108 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act 1957 in Crime No.108 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused illegally transported 1/4 unit of Oodai sand by using Tempo. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that this Court passed an order in Crl.O.P.(MD)No.14500 of 2020, on 17.09.2020, permitting the petitioners 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(Crl.Side) appearing for the respondent police strongly opposed this petition on the ground that the petitioners and other accused illegally transported ¼ unit of sand and on seeing the search party headed by defacto complainant, the petitioners and other occupants escaped from the scene of crime.

5.It is seen that the petitioners and other accused illegally transported ¼ unit of sand by using Tempo. 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.

sd/-
17.04.2021

/ TRUE COPY /

/ /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 Sub Inspector of Police,
Koodankulam Police Station,
Koodankulam
Tirunelveli District.

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

ORDER
IN
CRL OP(MD) No.5481 of 2021
Date : 17/04/2021