



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

Date : 21/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5678 of 2021

P.Kannan

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
Cr. No. 317 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Kalidoss G,
Advocate.

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

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

PRAYER :-

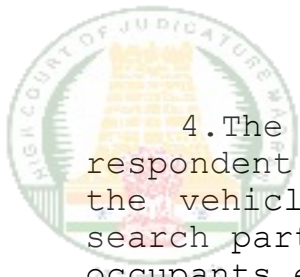
For Anticipatory Bail in Crime No.317 of 2020 on the file of the Respondent Police.

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 of IPC r/w Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.317 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused illegally transported one unit of red sand by using tractor bearing registration No.TN-76-A-6741. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution. He would also submit that no previous case is pending against the petitioner.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police strongly opposed this petition on the ground that the vehicle and sand were seized on the spot 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.This offence of illegal mining is not only an offence against any particular individual, but against the Society at large. It affects not only the present population, but the posterity as well. In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
21/04/2021

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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,
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5678 of 2021
Date : 21/04/2021

VB JC SAR III(21/05/2021) 2P / 3c