



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5764 of 2021

1. Alagarsamy
2. Pandi
3. Munishkumar

... Petitioners/Accused Nos.1, 3 & 4

Vs

State rep by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
Cr No. 117/2021.

... Respondent/Complainant

For Petitioners: Mr.Palanisamy.T.,
Advocate.

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

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

PRAYER :-

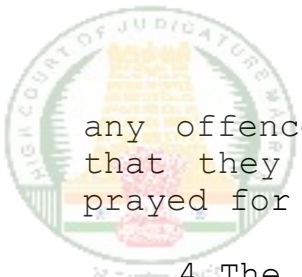
For Anticipatory Bail in Crime No.117 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A1, A3 and A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC r/w Section 4(1)(1A), 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.117 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused illegally transported three units of Karambai sand by using two Tipper Lorries bearing registration Nos.TN-49-P-2218 and TN-50-H4260. 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. He further submitted that they have been falsely implicated in this case. 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 the petitioners are having previous cases of similar in nature and the vehicle and sand were seized on the spot 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 illegal and indiscriminate sand mining has become a threat to the worldwide environment. The petitioners have similar previous cases pending.

6. 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/-
22/04/2021

/ 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 INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No. 5764 of 2021
Date : 22/04/2021