



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5759 of 2021

1. Murugan

2. Vijayakumar

... Petitioners/Accused 2 & 3

Vs

State rep by its
The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.
(Crime No. 69 of 2021).

... Respondent/Complainant

For Petitioners: Mr.Prabu M,
Advocate.

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

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

PRAYER :-

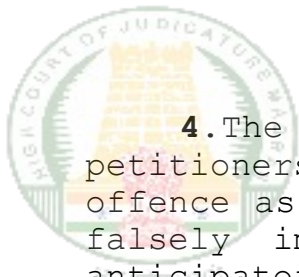
For Anticipatory Bail in Crime No.67 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 353 of IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.67 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3. It is seen from the submissions made that on 18.04.2021, at about 12.30 a.m., the petitioners and others said to have removed the sand using the vehicle two Tippers and two JCBs bearing Registration No.TN-69-AC-5811, TN 27-M-4691, TN-69-BD-3222 and TN-96-D-2363. The sand was taken to the tune of 7939.02 cubic meters from the pond belongs to PWD.



4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioners have two previous cases pending in other nature.

6. Taking into account the facts and circumstances of the case, the fact that the petitioners' illegal sand mining and the fact that the petitioners have two previous cases, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this petition is dismissed.

Sd/-
27/04/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM

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,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5759 of 2021
Date:27/04/2021