



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.6002 of 2021

Murugesan

... Petitioner/Sole Accused

Vs

The State Rep. By
The Inspector of Police,
Uthappanaikanur Police Station,
Madurai District.
(Crime No.1390 of 2020).

... Respondent/Complainant

For Petitioner : Mr.Vishnu V,
Advocate.

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

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

PRAYER :-

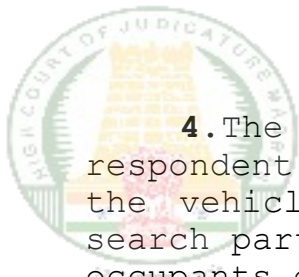
For Anticipatory Bail in Crime. No.1390 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC (Sand theft) and Sections 21(1) and 21(5) of the Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.1390 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 01.10.2020, at about 05.00 p.m., when the respondent police were on routine rounds, the petitioner illegally transported half unit of odai Poramboke sand by using the vehicle, namely TATA ACE bearing Registration No.TN-57-L-5598. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution.



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.

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/-
28/04/2021

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

ORDER
IN
CRL OP (MD) No.6002 of 2021
Date:28/04/2021

VB AKM SAR IV(20/05/2021) 2P / 3c