



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 09/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7445 of 2021

Karthik @ Elayaraja

... Petitioner/Single Accused

Vs

State Rep. by  
The Inspector of Police,  
Thiruvegampet Police Station,  
Sivagangai District.  
Crime No.43 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Kannan.V,  
Advocate.

For Respondent : Mr.M.Muthumanickam,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.43 of 2021 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 offence punishable under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.43 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner said to have illegally committed a theft of one unit of sand from Kulakkal of Boothavayal Kanmoi using Tractor bearing Registration No.TN-45-H-1152 (Mahindra 475 DI) on 07.04.2021. Hence, the complaint.

3.The learned counsel for the petitioner would submit that investigation in this case is over and therefore, there is a change of circumstance, he prays for anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal side) for the respondent would submit that the investigation in this case is not completed for the reason that the petitioner is absconding.

5.This is the second anticipatory bail application and the earlier petition was dismissed by this Court on 26.04.2021 in Crl.O.P.(MD)No.5912 of 2021.

6.Taking note of the facts and circumstances of the case and the fact that the petitioner removed the sand illegally from Kulakkal of Boothavayal Kanmoi and the fact that the investigation in this case is not completed and also the fact that there is no change in circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7.In this view of the matter, this Criminal Original Petition is dismissed.

sd/-  
09/06/2021

/ TRUE COPY /

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

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,  
THIRUVEGAMPET POLICE STATION,  
SIVAGANGAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.7445 of 2021  
Date :09/06/2021

sj i  
JM/VR/SAR I/14.06.2021/2P/3C