



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

Date : 08/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7163 of 2021

Radhakrishnan

... Petitioner/Accused No.2

Vs

The State Represented by
The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
Crime No.42/2021.

... Respondent/Complainant

For Petitioner : Mr.K.P.Sankarakumarakuruparan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime no.42 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 Sections
379 of IPC and Section 4(1)(1A), 21(1) of Mines & Minerals
(Development and Regulation) Act, 1957 in Crime No.42 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused had been illegally removing sand from Patta No.101 on
20.03.2021 by using three lorries bearing Reg.Nos. TN-64-B-5068, TN-
19-H-4601 & TN-69-AC-2314 and three JCB's bearing Reg.No.TN-96-5907,
TN-61-J-5320 & TN-58-AV-0347 respectively. Hence the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he did not commit any offence
as alleged by the prosecution. He further submitted that the
petitioner obtained a prior permission and proper pass from the
concerned officials and got sands in his land. He further submitted
that the petitioner has submitted an anticipatory bail petition in Crl.OP(MD).No.5059 of

respondent

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

6. It is seen from the submissions that the earlier anticipatory bail petition in CrI.OP(MD).No.5059 of 2021 was dismissed by this Court on the ground of not producing any supporting documents. On perusal of the documents, it is seen that the petitioner has not produced any material to show that he was given permission or licence to run the Brick kiln and procure sand. The petitioner has filed only the pass given in the year 2017. Three JCB's and Three Tipper lorries had been used to large scale illegal mining and transport of river sand without any permission. There is no change of circumstances since the dismissal of earlier anticipatory bail petition. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

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/ / 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.

1 THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

ORDER IN
CRL OP(MD) No.7163 of 2021
Date :08/06/2021

Kmm