



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7646 of 2021

I.Tharmaraj

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Aviyur Police Station,
Virudhunagar District,
Crime No.30 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Malaikani.S.,
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.30 of 2021 in the file of the respondent police.

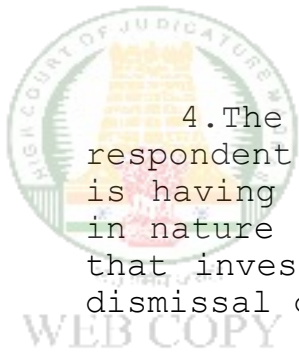
ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.30 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.03.2021 at about 02.30 p.m., the petitioner was found to have illegally transported one unit of river sand from Government Poramboke Odai Varathukkaal. Therefore, the case was came to be registered.

3.The learned counsel for the petitioner would submit that though the allegation against the petitioner is that he moved sand illegally on 05.03.2021, the First Information Report was registered only on 16.03.2021 and that there is a delay in giving the complaint. Therefore, it is obvious that this is a false case and

https://hccourtscs.hcc.gov.in/casefiles/anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal side) for the respondent opposed this petition on the ground that the petitioner is having two previous cases, out of which, one case is of similar in nature and other case is filed under other provisions of law and that investigation in this case is completed. Therefore, he seeks dismissal of this petition.

5.The earlier anticipatory bail petition filed by the petitioner was dismissed on 15.04.2021. The allegation against the petitioner is that he had illegally removed one unit of sand from the Government Poramboke Odai Varatthukkaal. Since the dismissal of the earlier anticipatory bail, there is no change of circumstances warranting grant of anticipatory bail to the petitioner.

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

sd/-
11/06/2021

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

ORDER
IN
CRL OP(MD) No.7646 of 2021
Date :11/06/2021

sjj
JM/AKM/SAR III/16.06.2021/2P/3C