



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.6891 of 2021

1. Vivek

2. Pressana

... Petitioners/Accused Rank not known

Vs

State rep by its
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime.No.1232 of 2020)

... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian.M,
Advocate.

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

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

PRAYER :-

For anticipatory bail in cr no.1232 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC and Section 21(5) of the Mines and Minerals(Development and Regulation)Act, 1951 in Crime No.1232 of 2020, seek anticipatory bail.

2.The case of the prosecution is that on 25.11.2020, at about 11.00 a.m., when the defacto complainant and other Officials involved in duty with regard to the taking precautionary measure for Niva Cyclone, they found in survey No.590 of Veerai river, accumulation of sand with an intention to illegally transport it. Later, it was found from the confession statement of the co-accused in another case in Crime No.51 of 2021 the petitioner accumulated sand in the river. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they 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 due to the abscondence of these petitioners, investigation is not completed. He further submitted that the petitioners are having one previous case of similar nature in crime No.51 of 2021, which is recently registered and on the basis of that case, the petitioners' involvement in the present case, came to light. Hence, he seeks dismissal of this petition.

5.It is a case of sand theft from Veerai river. Though it is submitted by the learned counsel for the petitioners that co-accused is released on bail, the same is not a ground to consider the anticipatory bail petition. This offence of illegal mining is not an offence against any particular individual, but against the Society at large. It affects not only the present population, but the posterity as well.

6.Considering the above factors and the fact that only recently the involvement of the petitioners in the offence came to light and investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-
16/06/2021

/ TRUE COPY /

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

GNS

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,
MELAVALAVU POLICE STATION,
MADURAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



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

WEB COPY

ORDER

IN

CRL OP (MD) No.6891 of 2021

Date :16/06/2021

KM:RSK:SAR4 (22.06.2021) 3P 3C