



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

Date : 09/06/2021

PRESENT

The Hon'ble Mr. Justice G. CHANDRASEKHARAN

CRL OP(MD) No.7354 of 2021

1. Murugan
2. Vijayakumar

... Petitioners/Accused No.2&3

Vs

The State rep. by
The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.
(Crime No.67 of 2021).

... Respondent/Complainant

For Petitioners: Mr.C.Susi Kumar, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.67 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379 and 353 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.67 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 18.04.2021 at about 12.30 a.m., the petitioners along with the other accused said to have removed 7939.02 cubic meter sand from Arasu Poramboke Kanmoi in Elakkammal Devi Majara Village, using two Tipper Lorries and two JCBs bearing Registration Nos.TN-69-AC-5811, TN-27-M-4691, TN-69-BD-3222 and TN-96-D-2363. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and the earlier petition was dismissed on the ground that the petitioners are having two previous cases.



4.The learned Government Advocate (Criminal side) for the respondent would submit that the petitioners had illegally committed a theft of sand from Kanmoi, which belongs to the Government and each of the petitioners is having one previous case, which were registered under the Indian Penal Code.

5.It is seen that the earlier anticipatory bail petition was dismissed on the ground that the petitioners are having two previous cases. That is not the only ground on which, this Court dismissed the petition. It is seen from the First Information Report that the petitioners along with the other accused had illegally committed theft of sand from the Government Poramboke Kanmoi and destroyed the nature and feature of the water body. Since the dismissal of the earlier petition on 27.04.2021, there is no change of circumstances in this case and this Court is not inclined to grant anticipatory bail to the petitioners.

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

sd/-
09/06/2021

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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.

TO

1. THE INSPECTOR OF POLICE,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7354 of 2021
Date :09/06/2021

SJI

<https://hccs.eco/sdri/14.06.2021/2P/3C>