



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

Date : 25/06/2021

PRESENT:

The Hon'ble Mr. Justice G.CHANDRASEKHARAN

CRL OP (MD) . No.7862 of 2021
(Through Video Conference)

Neethirajan @ Pethanan

... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
Checkanurani Police Station,
Madurai District.
Crime No.261/2021.

... Respondent/Complainant

For Petitioner : Mr.Shankar Ganesh.R.G., 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 Crime No.261 of 2021 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 offence punishable under Section 379 of I.P.C. and 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.261 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 10.06.2021, when the police party was engaged in preventing the offences relating to Mines and Minerals, they found a Tipper Lorry bearing Reg No.TN 20 AL 6540 filled with gravel sand in Sorikamampatti Kanmoi. When the police apprehended the driver namely, Sundarapandian, he was not able to produce any receipt showing permission for removal of sand. It is also alleged that the lorry belongs to one Neethirajan and both indulged in removing sand from Sorikamampatti Kanmoi for the purpose of selling it at higher price.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. In fact, he submitted that the sand was removed from his land



for agricultural purpose. He also produced photographs to show that the sand was accumulated in his land.

4. Learned Government Counsel (Crl. side) strongly opposed this petition on the ground that investigation is pending and he also filed a status report stating that the sand was removed from from Sorikamampatti Kanmoi without any permission from the competent Authorities. Therefore, the learned Government Counsel (Crl.side) pleaded to dismiss the application.

5. Considering both rival claims, wherein the petitioner claims that the sand has been removed from his own land and the prosecution claims that it has been taken from Sorikamampatti Kanmoi, in either case, the petitioner is not able to show any permission for removal of sand. As of now, from the First Information Report available, it is seen that the petitioner along with co-accused has removed sand from Sorikamampatti Kanmoi, which belongs to the Government.

6. This offence of illegal mining is not only an offence against any particular individual, but against the Society at large. It affects not only the present population, but the posterity as well. In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

25/06/2021

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

ORDER IN
CRL OP(MD) No.7862 of 2021
Date :25/06/2021