



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7861 of 2021

Sivakumar ... Petitioners/1st Accused

Vs

The State rep.by
The Inspector of Police,
Bodinayakanur Rural Police Station,
Theni.

(In Crime No.453 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Jerin Mathew. 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 Crime No.453 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 offences punishable under Section
379 IPC and Section 21(4) of the Mines and Minerals (Development &
Regulation)Act, 1957 in Crime No.453 of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that on 07.06.2021, when the
defacto complainant made an inspection, he found the accused in this
case had been removing sand from Manapparai Kulam by using tractor
bearing registration No.TN 60 A 1549 and on seeing the defacto
complainant and his party, the persons, who are removing sand,
escaped from the scene. Already ¼ unit of sand was loaded in the
tractor. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated



4.The learned Government Advocate(Crl.side) appearing for the respondent police strongly opposed this petition on the ground that the offence involved in this case is against natural resources and investigation is not completed.

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5.Considering the facts and circumstances of the case where it is alleged that the petitioner and other accused said to have illegally removed sand from Manapparai Kulam, which belonged to Government, without any permission or license and the fact that investigation in this case is not completed, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
16/06/2021

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/ /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,
BODINAYAKKANUR RUAL POLICE STATION,
THENI.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7861 of 2021
Date :16/06/2021

KM:RSK:SAR2(22.06.2021) 2P 3C