



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

Date : 08/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD)No.8976 of 2021

WEB COPY

Sethuraman

... Petitioner/2nd Accused

Vs

The State represented by
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District
Cr. No.106/2021.

... Respondent/Complainant

For Petitioner : Mr.Iniyavan.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.106 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(1) of the Mines and Minerals (Development and
Regulation)Act, 1957 in Crime No.106 of 2021, seeks anticipatory
bail.

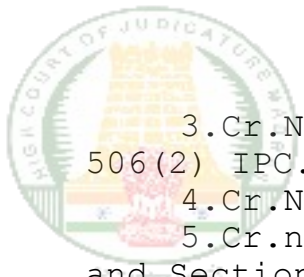
2.The case of the prosecution is that on 19.04.2021, the
respondent police found at Malattaru bund, accused Thavamuruganathan
and Sethuraman were illegally loading river sand in two bullock
cart. On seeing the respondent police, they escaped from there.
Hence, the complaint.

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

4.The learned Government Advocate(Crl.side) appearing for the
respondent police opposed this petition on the ground that
investigation is not completed and the petitioner has seven previous
cases. The details of the previous cases are as follows:

1.Cr.No.73 of 2021 under Sections 294(b), 323, 324, 342,
506(2) IPC.

2.Cr.No.187 of 2020 under Sections 120B, 147, 148, 294(b),
<https://hcservices.ecourts.gov.in/hcservices/>
506(2) IPC and Section 3 TNPPDL Act altered into Sections 109, 147,
148, 294(b), 427, 506(2) IPC.



3.Cr.No.186 of 2020 under Sections 294(b), 323, 324, 427, 506(2) IPC.

4.Cr.No.183 of 2020 under Sections 176, 201 IPC.

5.Cr.no.145 of 2019 under Sections 294(b), 323, 324, 506(2) IPC and Section 4 TNPHW Act.

6.Cr.No.99 of 2019 under Sections 147, 148, 294(b), 307, 323, 324, 341 IPC.

7.Cr.No.257 of 2019 under Sections 147, 294(b), 307, 506(1) IPC and Section 3 TNPPDL Act.

5.It is seen from the allegation that the accused had illegally removed sand from river bund. Investigation is not completed in this case. 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/-

08/07/2021

/ 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,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8976 of 2021

Date : 08/07/2021

VB/JC/SAR.II/13.07.2021/2P/3C

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