



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/06/2021

WEB COPY

PRESENT:

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8348 of 2021
(Through Video Conference)

Arivazhagan

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.484 of 2021

... Respondent/Complainant

For Petitioner : Mr.Karunakaran.K.M.,
Advocate.

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

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

PRAYER:-

For Anticipatory bail in Crime No.484 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 Sections 379 of I.P.C. r/w 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.484 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that when the de facto complainant gave a complaint to the respondent police that the accused was illegally removing sand from Nedukulam Eri, the police party conducted raid at about 11:00 p.m. on 08.06.2021. On seeing the de facto complainant, the accused who were removing the sand in Tractor bearing TN 49 BX 9034 had escaped from the spot. On enquiry, it was found that the owner of the Tractor was Arivazhagan. Therefore, the de facto complainant gave this complaint.



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

4. The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is not completed.

5. The allegations made in the F.I.R. is that the accused by using Tractor bearing TN 49 BX 9034 was illegally removing sand from Nedunkulam Eri. Indiscriminate removal of sand from any water body will spoil the very nature and feature of the water body which would ultimately affect the public at large water supply will be greatly affected in due course of time.

6. Taking note of the offence that was alleged to have been committed by the petitioner without any permission, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the petition stands 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,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8348 of 2021

Date :25/06/2021