



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

Date : 06/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8844 of 2021

Latha

... Petitioner/Accused(Rank Not Known)

Vs

The State represented by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

(Crime No. 509/2021). ... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,
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.509 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 r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act in Crime No.509 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 12.06.2021, at about 11.00 am., when the respondent police engaged in preventing of offence relating to mines and minerals, they found near lake, which is situated one Balasubramanian's field, the accused by using two trailer and tractors bearing Registration Nos.TN 49 BP 1676 and TN 49 AE 8609 and one JCB were illegally removing sand and fill it in the trailer. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she is the owner of the tractor bearing registration No.TN 49 BP 1676 and she has no knowledge about the removal of the sand. He further submitted that the co-accused were arrested and released on bail. Therefore, he seeks anticipatory bail to the petitioner.



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

5.This is a case where it is alleged that sand was removed illegally from lake, which is a water body. It is the submission of the learned counsel for the petitioner that the co-accused were released on bail, however, this Court is of the view that the same is not a valid ground for considering the anticipatory bail of other accused. In this case, the petitioner is said to be owner of the tractor bearing registration No.TN 49 BP 1676. In these type of cases usually persons actually planning to commit the offence are absconding, leaving the coolies, to be apprehended by the police. The petitioner is bound to know that for what purpose her vehicle is used and she cannot claim that she has no knowledge that her vehicle was used for illegal removal of sand. In this case the sand was removed from lake, which is a water body. It affects not only the present population, but the posterity as well. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

06/07/2021

/ TRUE COPY /

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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,
Orathanadu Police Station,
Thanjavur District.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.8844 of 2021

Date :06/07/2021

GNS

AE/SKN/SAR-III/09.07.2021/2P/3C

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