



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.8853 of 2021

1.Muthukumar
2.Suresh

... Petitioners/Accused
(Rank Not Known)

Vs

State Rep. by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
Crime No.413/2021.

... Respondent/Complainant

For Petitioner : M/s.Ebenezer.T.A.,
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. 413 of 2021 on the
file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend 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 Act in Crime
No.413 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 18.06.2021, at about
19.45 hours, on information that near Thiruvonam Bharath State Bank,
huge amount of sand is stocked, the defacto complainant visited the
said place and found 90 units of sand and 60 units of red sand
stocked in the place belong to one Muthuraj. He contacted the said
Muthuraj and asked him about the accumulation of the sand. He
informed to the defacto complainant that one Suresh, who is his
relative, procured the sand for the purpose of construction. Hence,
the complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they have been falsely
implicated in this case.

<https://hcmjiscourtscn.in/hcmjiscourtscn>



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

5.It is seen from the submission and also allegations made in FIR that 90 units of sand and 60 units of red sand were collected for the construction purpose. However, the learned counsel for the petitioner is not in a position to produce any receipt for purchasing the sand or any other document to prove his case. It is also seen that investigation in this case is in preliminary stage. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-
06/07/2021

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/ /2021
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,
THIRUVONAM POLICE STATION,
THANJAVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8853 of 2021
Date :06/07/2021

gns
JM/SKN/SAR II/09.07.2021/2P/3C