



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/07/2021

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PRESENT
The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.9097 & 9134 of 2021

1.Anandraj @ Honestraj,
2.Murugesan,

... Petitioners/Accused (Rank not known)
(in both petitions)

Vs

The Inspector of Police,
Mimisal Police Station,
Pudukottai District.
Cr.No.178 of 2021.

... Respondent/Complainant
(in CRL OP(MD).No.9097 of 2021)

The Inspector of Police,
Thiruppunnavasal Police Station,
Pudukottai District.
Cr.No.49 of 2021.

... Respondent/Complainant
(in CRL OP(MD).No.9134 of 2021)

(In both Petitions)

For Petitioners: M/s.Lenin Kumar T,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

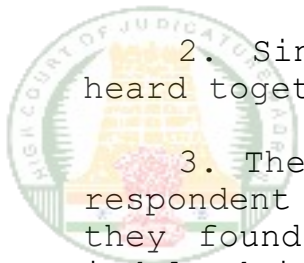
PETITIONs FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.178 of 2021 & Crime No.49 of 2021 on the file of the Respondents Police.

COMMON 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 Sections 147, 353 and 379 of IPC r/w Section 21(1), 21(2) of the Tamilnadu Mines and Minerals (Development and Regulation) Act, 1957, in Cr.No.178 of 2021 and for the offences punishable under Sections 379, 427, 323, 147 of IPC r/w 21(1), 21(2) of the Tamilnadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.49 of 2021, seek anticipatory bail.



2. Since the common facts are involved, both petitions were heard together and common order is passed.

3. The case of the prosecution is that on 24.04.2021, when the respondent police conducted inspection based on secrete information, they found that the petitioners along with other accused persons indulged in illegal sand mining and on seeing the complainant, they unloaded the sand in middle of the road and fled away from the place of occurrence. The complainant removed the sand by engaging a JCB and came to know about the same, the co-accused damaged the said JCB and attacked the driver of JCB. Hence, the complaint.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and he prayed for grant of interim anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons indulged in illegal sand mining. Hence, he oppose to grant anticipatory bail to the petitioners.

6. Heard both sides.

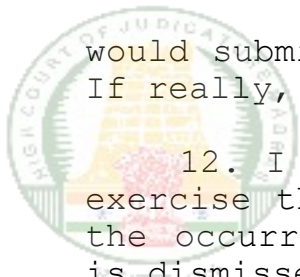
7. The earlier applications filed by the petitioners came to be dismissed as withdrawn on 20.05.2021. The allegation made against the petitioners is that the petitioners involved in illegal sand mininig activities, on 24.04.2021.

8. During the course of argument, the learned counsel for the petitioners would submit that the earlier case has been registered against the petitioners falsely in Crime No.178 of 2021 on the file of the Inspector of Police, Mimisal Police Station, Pudukottai District. Whereas, this case has been registered on the file of the Inspector of Police, Thiruppunnavasal Police Station, Pudukottai District and the above said crime also stated to be happened on 24.04.2021. The offence under this crime stated to be happened, on the same day itself. So, according to him, it shows that the *mala fide* nature of the respondent police.

9. In respect of the offence, a specific objection that has been raised by the learned counsel for the petitioners against the co-accused namely, Iyyappan, similar cases is pending, apart from the other IPC offences.

10. The entire CD file has perused. From the perusal of CD file, it is seen that the sand, which was illegally unloaded in the public road and the Police Officials remove the same by engaging a JCB. The petitioner and the other co-accused appears to have chased the JCB and attacked the JCB driver and caused damage to the vehicle also. So, a serious allegation has been made against the petitioners and they are not entitled for discretionary relief of anticibatory bail.

11. During the argument, the learned counsel for the petitioner



would submit that no complaint has been given by driver of the JCB. If really, he was attacked, it is a matter for investigation.

12. I am of the considered view that this is not a fit case to exercise the discretionary power. Considering the manner, in which, the occurrence has been committed, this Criminal Original Petition is dismissed.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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,
Mimisal Police Station,
Pudukottai District. Cr.No.178 of 2021.
- 2.The Inspector of Police,
Thiruppunnavasal Police Station,
Pudukottai District.Cr.No.49 of 2021.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD). Nos.9097 & 9134 of 2021

Date : 12/07/2021

CN(22.07.2021) 3P 4C