



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9035 of 2021

David

... Petitioner/Accused
rank no A3

Vs

The State rep. by,
The Inspector of Police,
Manapparai Police Station, Trichy
Crime no. 852/2021..

... Respondent/Complainant

For Petitioner : Mr.A.Azhageson,
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.852 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, 1957 in Crime No.852 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 04.07.2021, the respondent police got secret information about illegal theft of sand at Mamundi river. When they visited there, they found sand was illegally stolen by using JCB bearing registration No.TN 46 J 9773 from the river. The driver escaped from there. Two units of sand was accumulated in the river bud. Hence, the complaint.

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



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 a case of illegal sand theft and the sand was taken for the purpose of sale without permission. The sand was illegally stolen from Mamundi river, which is a water body. 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/-
09/07/2021

/ TRUE COPY /

/ /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,
MANAPPARAI POLICE STATION, TRICHY
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9035 of 2021
Date :09/07/2021

TK/VR/SAR.3/13.07.2021/2P/3C