



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9314 of 2021

Selvan Alias Sivalingam ... Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
Crime No. 152/2021).

... Respondent/Complainant

For Petitioner : Mr. Gokul.K,
Advocate.

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

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

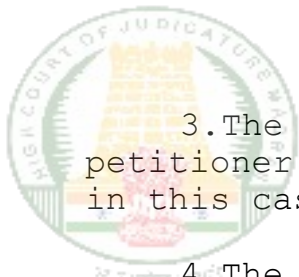
PRAYER :-

For Anticipatory Bail in Crime No.152/2021 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 in Crime No.152 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 12.06.2021, the respondent police found during their rounds at Nedungulam sand was illegally removed from Nedungulam. During investigation they found sand was stocked for construction of building of Thenpandiyan @ Saravanan. Subsequently, Police came to know that the accused Selvan @ Sivalingam had removed sand using JCB bearing registration No.TN72BZ8862 and tipper lorry bearing registration No.TN47AS1543. Hence, the complaint.



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

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending and the petitioner has one previous case in Cr.No.157 of 2021 under Section 379 IPC.

5.It is seen from the allegations made in FIR that sand was illegally removed from Nedungulam, which is a water body and the petitioner has one similar previous case. 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/-
14/07/2021

/ 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,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9314 of 2021
Date :14/07/2021

GNS
USK/JC/SAR-II : 16/07/2021 : 2P/3C