



WEB COPY

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

Date : 15/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9368 of 2021

S.Palaniselvam

... Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District.
(Crime No. 511 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.Manickam,
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. 511 of 2021 on the file of 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(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.511 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 05.07.2021, when the defacto complainant was engaged in preventing offence relating to mines and minerals, he found accused were illegally removing sand from Ernampatti Kanmai using tractor bearing registration No. TN 60 V 9124. 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.

5. It is seen from the allegations made in FIR that the petitioner said to have illegally removed sand from kanmai, 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/-

15/07/2021

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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,
BODINAYAKKANUR RURAL POLICE STATION,
THENI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.9368 of 2021

Date : 15/07/2021

GNS

USK/VR/SAR-I : 20/07/2021 : 2P/3C