



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

Date : 16/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No. 9432 of 2021

PATHMANATHAN

... PETITIONER/ACCUSED NO.2

Vs

THE STATE OF TAMIL NADU,
REP.BY ITS INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.313 OF 2021)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Babu Jaganath,
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.313 of 2021on 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 21(4) of the Mines and Minerals (Development and Regulation) Act r/w Section 379 IPC in Crime No.313 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 07.07.2021, at about 05.00 am., Police party found an unregistered tractor, near Ayyanar Temple. On seeing Police, occupants of the tractor escaped from there. Police found one unit sand in the trailer. Then, on investigation, they found accused were involved in this illegal transportation of sand. 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. He further submitted that there is no mention in FIR with regard to the nature of the sand and the place where it was removed.

4.In reply, the learned Government Advocate(Crl.side) appearing for the respondent police submitted that the sand involved in this case is river sand. He strongly opposed this petition on the ground that investigation is in preliminary stage and the petitioner has



two similar previous cases in Cr.No.144 of 2018 under Section 21(4) TNMMRD Act and Cr.No.106 of 2020 under Section 379 IPC r/w Section 21(4) TNMMD Act.

5.Considering the submission that the sand involved in this case is river sand and the fact that the petitioner has two similar previous cases, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
16/07/2021

/ 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,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9432 of 2021
Date :16/07/2021

GNS
RT/SRS/SAR-II/22.07.2021/2P/3C