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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
( Criminal Jurisdiction )
Date : 16/07/2021

PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD)No.9441 of 2021

1.Murugesan @ Jeyamurgeswaran
2.Siva
3.Ashok Kumar ... Petitioners/Accused No. 2 to 4.

Vs

The State rep.by
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
Crime No. 93 of 2021. ... Respondent/Complainant

For Petitioner : Mr.M.JEGADEESH PANDIAN, 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.93 of 2021 on the file of the Respondent Police.

**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 Section 379 IPC and Section 21(5) of the Mines and Minerals (Development and Regulation)Act, 1951 in Crime No.93 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 11.07.2021, at about 04.00 am., the defacto complainant along with Village Assistant, found one sumo bearing registration No.TN 45 BZ 3323 and one two wheeler bearing registration No.TN-59-BC-5074 respectively, near Kariyapatti S.Thoppur Bus Stop. On seeing them, three persons, who came in two wheeler, left the vehicle and escaped from there. On search, it was found ½ unit of sand in the sumo. The driver informed that the sand was removed from Kudumpankulam kanmai. Hence, the complaint.

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3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have 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 not completed.

5.It is a case of illegal theft of sand from Kudumpankulam kanmai, which is a water body. It is seen that FIR was registered only on 11.07.2021 and investigation in this case is in preliminary stage. 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/-
16/07/2021

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/ /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,
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.9441 of 2021
Date :16/07/2021

SA/JC/SAR.4/22.07.2021/2P/3C

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