



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

Date : 19/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9538 of 2021

1. Rajasekar.R,
2. N.Ajith Kumar, ... Petitioners/Accused No.1 & 2

Vs

The State Rep. by
The Inspector of Police,
Thirupparangundram Police Station,
Madurai.

Crime No.265 of 2021. ... Respondent/Complainant

For Petitioner : M/s. Balamurugan.P,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Counsel for Government of Tamil Nadu (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No,265 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 Sections 21(1) & 21(4) of the Mines and Minerals (Development and Regulations) Act in Crime No.265 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 12.07.2021, the defacto complainant received an information that some persons are illegally removing sand from Government Thenkal Kanmai by using JCB. When the defacto complainant reached there at about 01.00 hours with Village Assistant, they found in Thenkal Kanmai, the accused were using JCB bearing registration No.TN 28 AJ 3840 and



lorry bearing registration No.TN 76 E 4122. On seeing them, they escaped from there by leaving JCB and lorry. Hence, the complaint.

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 sand removal from Thenkal Kanmai, which is a Government property. It is seen that FIR registered only on 12.07.2021 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/-
19/07/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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,
Thirupparangundram Police Station, Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.P.BALAMURUGAN, Advocate (SR-4720[I] dated 20/07/2021)

ORDER IN
CRL OP(MD) No.9538 of 2021
Date : 19/07/2021

TR/SRS/SAR-4 (22.07.2021) 2P 4C

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