



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/07/2021

WEB COPY

PRESENT

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

**CRL OP(MD)No.10078 of 2021**

K.Subramanian

... Petitioner/Sole Accused

Vs

The State Represented by  
The Inspector of Police,  
Thirupunavasal Police Station,  
Pudukkottai District.  
(Crime No.91/2021).

... Respondent/Complainant

For Petitioner : Mr.K.Gokul,  
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.91/2021 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 Sections 379, 279, 427 IPC and Sections 21(1) and 21(2) of the Mines and Minerals (Development and Regulation) Act, in Crime No.91 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 22.06.2021, the defacto complainant got an information that sand is illegally transported. He visited Thiruppunavasal Pambaru at about 19.30 hours and found that sand had been loaded in fertilizer sacks. On seeing Police, accused escaped from there by driving the tractor in rash manner. The defacto complainant gave a chase. During chase, the Driver hit against EB post and damaged the same. EB post was cut into two pieces. 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. It is his further submission that there is no specific mention in FIR that sand involved in this case is river sand.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. He also submitted that the petitioner has one similar previous case in Cr.No.134 of 2017 under Section 379 r/w Section 21(1) of MM Act.

5.Narration of facts show that the incident unfolded like cinema. The accused was found loading sand in tractor and thereafter, on seeing the defacto complainant, he took the tractor and drove it in rash manner. During the course of his escape, he dashed against EB post and post was cut into two pieces. Now the tractor and sand had been seized.

6.Taking note of facts of the case and the fact that the petitioner has one similar previous case pending against him, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

29/07/2021

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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  
THIRUPUNAVASAL POLICE STATION,  
PUDUKKOTTAI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.10078 of 2021  
Date :29/07/2021

SS/JM/SAR-III/03.08.2021 : 2P/3C

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