



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

Date : 04/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10400 of 2021

Alagumari

... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
Usilampatty Town Police Station,
Madurai District.
(Crime No.327 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Mithun Chakravarthi. A,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

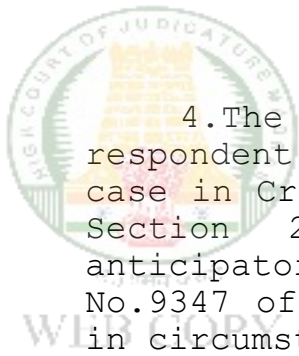
For Anticipatory bail in Crime No.327 of 2021 on the file of the Respondent police.

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 Section 379 IPC r/w Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.327 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the Village Administrative Officer of Usilampatti Group, got information on 07.07.2021 at about 02.00 pm., that sand was illegally taken by using JCB. Immediately, he along with his Assistant, visited the place on the east of Masanam Temple, Karukkattanpatty and found that the accused had been taking sand by using JCB bearing registration No.TN 59 BR 4668. On seeing them, they escaped with JCB and off-loaded the sand in the land of one Venkatesan. Hence, the complaint has been preferred by the Village Administrative Officer.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner has one previous case in Cr.No.342 of 2019 for the offence under Section 379 IPC and Section 21(5)MMDR Act. He further submitted that earlier anticipatory bail petition filed by this petitioner in Crl.O.P.(MD) No.9347 of 2021 was dismissed on 15.07.2021 and there is no change in circumstances.

5.Considering the bad antecedents as against the petitioner and also the fact that earlier anticipatory bail petition was dismissed on 15.07.2021 and there is no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
04/08/2021

/ TRUE COPY /

/ /2021
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
USILAMPATTY TOWN POLICE STATION,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10400 of 2021
Date :04/08/2021

PKP/VR/SAR-1/18/08/2021/2P/3C