



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 15/02/2022
PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN
Crl.OP(MD)Nos.3088 of 2022

Sathiyamoorthy

... Petitioner/A1

Vs.

State rep. By
The Inspector of Police,
Panaiyapatti Police Station,
Pudukkottai District.
(Crime No.03 of 2022)

... Respondent/Complainant

For Petitioner : Mr.A.Arunprasad, Advocate

For Respondent : Mr.S.S.Madhavan,
Government Advocate(Criminal side)

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

PRAYER :- For Anticipatory Bail in Crime No.03 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 apprehending arrest at the hands of the respondent police for the alleged offence under section 379 IPC r/w 21(1) of Mines and Minerals Development and Regulations Act, in Crime No.03 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused said to have illegally transported one unit of gravel sand, without any valid licence and permission. Hence, the complaint.

3.Heard both sides.

4.The earlier anticipatory bail application filed by the petitioner in Crl.OP(MD)No.479 of 2020 came to be dismissed on 12/01/2022 on the ground that the petitioner is involved in similar cases on the previous occasion.

5.Now the learned counsel appearing for the petitioner would submit that the petitioner is only the owner of the vehicle, which alleged to have been involved in the above said crime and A2 was arrested and remanded to judicial custody and subsequently, granted



6. Reading of the FIR shows that one unit of gravel sand alleged to have transported without valid licence and permission. So the contention on the part of the petitioner that the petitioner is not having knowledge about the involvement of his vehicle in the alleged illegal transportation of the gravel sand is not at all acceptable, since he is the owner of the vehicle, it would not have been done without his knowledge. So the petitioner is not entitled for anticipatory bail. There is no change of circumstances also. The undertaking that the petitioner is ready to file an undertaking affidavit that he will not continue the offence in future cannot be also taken into consideration, based on the conduct of the petitioner. Further there is no guaranty that if the petitioner is enlarged on anticipatory bail, he will not commit similar offence in future.

7. In the result, this criminal original petition is dismissed.

sd/-

15/02/2022

/ TRUE COPY /

/ /2022

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

ORDER

IN

CRL OP(MD) No.3088 of 2022

Date :15/02/2022

SS/JM/SAR-I/18.02.2022 : 2P/3C