



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9518 of 2022

1. A.S.Kumar
2. K.Selvaraj

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
Crime No. 128 of 2022.

... Respondent/Complainant

For Petitioner : M/s.ARUMUGAM.H,
Advocate.

For Respondent : Mr.M.SAKTHI KUMAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.128 of 2022 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 offence punishable under Sections 336, 304 and 304-A of IPC in Crime No.128 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners 1 and 2 are the owners of the land, wherein quarrying lease was obtained by the third accused. The fourth accused is the supervisor of the quarry unit. While being so, on 14.05.2022, when the victims were engaged in quarrying operation, a big rock from the eastern side of quarry fell down on them, due to that, they were sustained injuries. Hence, the present case has been registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in

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this case. He further submitted that the petitioners are the owners of the land and they are no-way connected with alleged quarry operation done by the lease holder to whom they had leased out the land. Further, the Collector has granted permission to run the quarry operation. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police strongly objected for grant of anticipatory bail to the petitioners by stating that due to quarry operation, three persons died and one body is yet to be recovered. Further, the investigation is at preliminary stage.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and the fact that due to quarry operation, three persons died and that the investigation is in preliminary stage , this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the Criminal Orginial Petition is dismissed.

sd/-

18/05/2022

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/ /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,
MUNNERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.ARUMUGAM.H Advocate SR.No.23832 **(F)**

ORDER IN

CRL OP(MD) No.9518 of 2022

Date :18/05/2022

SA/VR/SAR.4/24.05.2022/2P/4C

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