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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.15185 and 15193 of 2022

Malaiselvam, ... Petitioner/Accused Rank Not known
in Cr1.O.P.No.15185/22
Saravana Kumar @ Malaiyandi ... Petitioner/Accused No.1
in Cr1.O.P.No.15193/22

Vs

State Rep.by ,
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar.
(Crime No.323/2022).. ... Respondent/Complainant
in both petitions.

For Petitioner : Mr.A.Prabhu Raj, Advocate.
In Cr1 OP(MD)No.15185 OF 2022

Mr.R.Srinivasan, Advocate
In Cr1 OP(MD)No.15193 OF 2022

For Respondent : Mr.P.Kottaichamy
Government Advocate (Cr1.Side)
In Both petitions

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

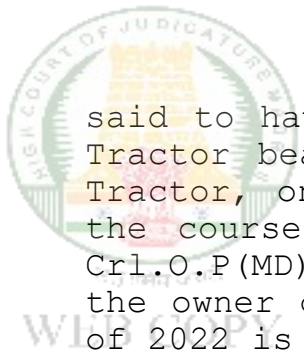
COMMON PRAYER :-

For Anticipatory Bail in Crime No.323/2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 379 of
IPC and 21(1) of Mines and Minerals Act in Crime No.323 of 2022 on
the file of the respondent police, seek/s anticipatory bail.

2. The case of the prosecution is that when the respondent
police on 05.08.2022, the petitioners



said to have illegally transported one unit of river sand using Tractor bearing Registration No.TN 67 AZ 6574. The driver of the Tractor, on seeing the police party escaped from the spot. During the course of investigation, it was found that the petitioner in Crl.O.P(MD).No.15193 of 2022 viz., Saravana Kumar @ Malaiyandi is the owner of the vehicle and the petitioner in Crl.O.P(MD).no.15185 of 2022 is the driver of the vehicle.

3. The learned counsel appearing for the petitioner submitted that the petitioners are innocent and their names have been falsely implicated in this case.

4. The learned counsel for the petitioner in Crl.O.P(MD). No.15193 of 2022 would submit that the above said vehicle was given to the driver only for agricultural purpose. Without his knowledge, the above said offence has been committed by the driver. He would further submit that his name has not been mentioned in the FIR.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner in Crl.O.P (MD).No.15193 of 2022 is having six previous cases, out of which, three cases are similar in nature. So far as the petitioner in Crl.O.P(MD).No.15185 of 2022 is concerned he is having one previous case in similar nature.

6. Considering the fact that the petitioners are driver and owner of the vehicle and this sort of complaint has been registered against them repeatedly, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

24/08/2022

/ TRUE COPY /

/09/2022

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

TO

1 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION, VIRUDHUNAGAR.

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

+1 CC to M/s.A.PRABHU RAJ, Advocate (SR-8991[I]

+1 CC to M/s.R.SRINIVASAN, Advocate (SR-8992(I)

ORDER

IN

CRL OP(MD). Nos.15185 & 15193 of 2022

Date :24/08/2022

trp

<https://www.mhcc.mysrj.in/Case-2/15.09.2022/2P/4C>