



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.09.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16460 of 2022

Nagoor @ M.Nagooran

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
Crime No.131 of 2022.

... Respondent/Complainant

For Petitioner : Mr.K.SAMIDURAI, Advocate.

For Respondent : Mr.S.S.MADHAVAN

Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.131 of 2022 on the file of the Respondent Police.

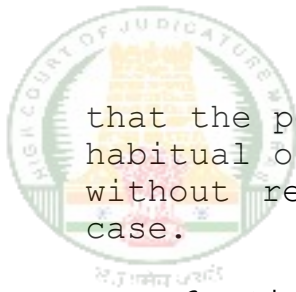
ORDER : The Court made the following order :-

The petitioner is facing charges under Section 379 IPC and Section 21(4) of the Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.131 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that he is owning patta land, which is situated on the northern side of Devi river in Puthoor Village. About 20 units of sand has been illegally taken by the petitioner and the same has been stored in his property. Based upon the aforesaid complaint, the case has been registered and now, seeking anticipatory bail, this petition has been filed by the petitioner.

3.The learned Government Advocate (Crl.side) for the respondent would submit that the petitioner is having two previous cases of similar in nature in Crime No.303 of 2020 on the file of the Sethoor Police Station and in Crime No.94 of 2022 on the file of Thalavaipuram Police Station.

5. It appears that this is the second application for anticipatory bail. The earlier anticipatory bail Petition filed in Crl.OP(MD)No.14935 of 2022 was dismissed on 23.08.2022 on the ground



that the petitioner is having two previous cases to his credit. He is a habitual offender. Now, this application is filed by the petitioners without referring to the change of circumstances to consider the case.

6. Since there is no change of circumstance and considering the habitual nature of the petitioner, this Court is not inclined to entertain this Criminal Original Petition and the same is accordingly dismissed.

sd/-

13/09/2022

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

+1. CC to M/S.SAMIDURAI K Advocate SR.No.9907

ORDER

IN

CRL OP(MD) No.16460 of 2022
Date :13/09/2022

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SA/SVR/SAR.2/20.09.2022/2P/4C