



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.03.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.19047 of 2021

S.Kumarandi

... Petitioner/Accused No.16

Vs

1.State through
the Sub Inspector of Police,
Kallidaikurichi Police Station,
Kallidaikurichi,
Tirunelveli District.

2.The Inspector of Police,
CBCID, Tirunelveli.
[Crime No.2 of 2021]

... Respondents/Defacto Complainants

For Petitioner : Mr.A.Haja Mohideen, Advocate

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

Prayer:

For Anticipatory Bail in Crime No.2 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 offence punishable under Section 379 IPC altered into Sections 120B and 379 (Sand Theft) IPC r/w Section 21(1)(IV) of the Mines and Minerals (Development and Regulation) Act, 1957. in Crime No.2 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 11,046 units of river sand to another State.



3.The learned Counsel for the petitioner submits that the petitioner is an innocent. He is a Driver by profession and he has not involved in any such offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondents submits that this is the third anticipatory bail petition filed by the petitioner and the earlier petitions were dismissed by this Court considering the serious nature of the offence committed.

5.The learned Additional Public Prosecutor further submits that enquiry reveals the petitioner is a Mining Manager of a cement company for more than 15 years and he is also a landlord. He has played a vital role in the commission of offence by entering into a memorandum of understanding with A1, A3 and A5 for illegally transporting sand from Tirunelveli to the other State.

6.Heard the learned Counsel on either side and perused the materials placed on record.

7.Though the petitioner claims that he is a Driver by profession, according to the respondent Police, the petitioner is a Mining Manager of a reputed cement company in Kanyakumari district. Further he has entered into a memorandum of understanding to illegally transport sand from Tirunelveli to a nearby State.

8.This Court is of the view that the petitioner has not approached this Court with clean hands. Further a huge quantity of the sand was illegally transported. Therefore, considering the conduct of the petitioner and the serious nature of the offence committed in this case, this Court is not inclined to entertain this petition. Accordingly, this criminal original petition stands dismissed.

sd/-

15/03/2022

/ TRUE COPY /

/ /2022

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

dsk

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 SUB INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION,
KALLIDAIKURICHI,
TIRUNELVELI DISTRICT.
- 2 THE INSPECTOR OF POLICE
CBCID, TIRUNELVELI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

ORDER
IN
CRL OP(MD) No.19047 of 2021
Date :15/03/2022

PKP/VR/SAR-3/01.04.2022/3P/4C