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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.18865 of 2022

Kalidoss

... Petitioner/Sole Accused

Vs.

State rep.by
The Inspector of Police,
Villoor Police Station,
Madurai District.
(Crime No.46/2022).

... Respondent/Complainant

For Petitioner : Mr.J.Jeyakumaran, Advocate

For Respondent : Mr.Antony S.Prabhakar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.46/2022 on the file of the respondent police.

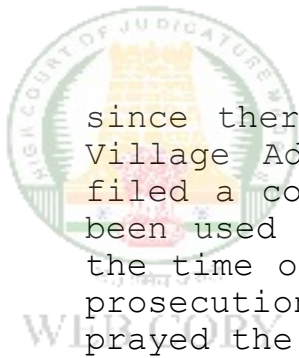
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC and Sections 4(1)(1A), 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.46 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.06.2022, the accused was found in possession of gravel sand, without any valid permit. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and has not committed any such offence, as alleged by the prosecution. It is further stated that the JCB was under the control of the petitioner and was stationed along the Kanmoi road for 10 days,

<https://www.mca.gov.in/jsp/>



since there was nobody available to carryout the repair v the Village Administrative Officer, on seeing the stationed JCB, has filed a complaint under the assumption that the vehicle would have been used for commission of offence. The vehicle was not seized at the time of committing any offence. The previous case stated by the prosecution is only of the year 2020 and not a recent one and hence prayed the petitioner to be released on anticipatory bail.

4. On the side of prosecution, it is stated that petitioner is having one previous case, which is similar in nature. The petitioner is the owner of the JCB, there was no chance of leaving a JCB for 10 days, without undertaking the repair work. A photo- graph of the place of occurrence reveals that the JCB was digging the sand. The vehicle was seized only during the commission of the offence, there was no change of circumstances and prayed the petition to be dismissed.

5. Considering the nature of the case and considering the bad antecedent of the petitioner and also considering the fact that there is no change of circumstances, this Court is not inclined to grant anticipatory bail to him.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

26/10/2022

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/11/2022

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

Ls

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
VILLOOR POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.18865 of 2022

Date :26/10/2022

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