



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI
CRL OP(MD).No.20851 of 2022

WEB COPY

Kalidoss

... Petitioner / Sole Accused

Vs.

State represented by
The Inspector of Police,
Villoor Police Station,
Madurai District.
Crime No.46 of 2022

... Respondent / Complainant

For Petitioner : Mr.J.Jeyakumaran
Advocate.

For Respondent : Mr.M.Vaikam Karunanithi,
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.46 of 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 repair and was stationed along the Kanmoi road for 10 days,
since there was nobody available to carryout the repair work. 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 the 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 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 fact that the second anticipatory bail petition filed by the petitioner was dismissed on 26.10.2022 and also 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/-
28/11/2022

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/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

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.20851 of 2022
Date :28/11/2022

RD/BUC/SAR-II(07/12/2022) 2P 3C