



Crl.O.P.No.19935 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.365 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ Village Administrative Officer is that, on information, he along with his officials conducted a checkup in Survey No.146/4C2B measuring to an extent of 0.19.5 ares situated at Methakkal Village and found that one unknown person was illegally transporting soil from the above said land in a tractor without registration. On seeing the officials, he dropped the vehicle and escaped from the spot. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the fact remains that the surveyor



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along with his officials came at Methakkal village for the purpose of surveying the land in Survey No.145/1, without any summons to the neighbouring land owner/petitioner herein and the same was objected by the petitioner, a false complaint has been given by the surveyor in Crime No.364 of 2023 against the petitioner and his relatives. In order to harass the petitioner and his relatives, the Village Administrative Officer lodged this false complaint and other than that the petitioner has disputed that no such complaint of river sand against him. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner has transported river sand in the land in Survey No.146/4C2B without getting any permissions for levelling his land. He has produced the photograph of the same. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case and submissions made by the learned



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counsel on either side and after perusing the photographs produced by the learned Government Advocate, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

31.08.2023

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