



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2023

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.537 of 2023

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.Vaikkam Karunanithi,
Government Advocate (Crl.side)

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

PRAYER :-

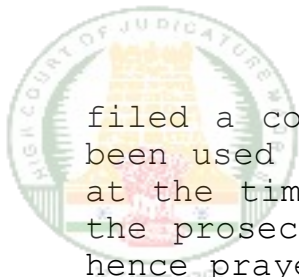
For Anticipatory Bail in Crime No.46 of 2022 on the file of the respondent Police.

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 Administrative Officer, on seeing the stationed JCB, has



filed a complaint under the assumption that the vehicle was 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 prayed the petitioner to be released on anticipatory bail.

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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 photograph 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 this is the fourth anticipatory bail petition and prayed the petition to be dismissed.

5. Considering the nature of the case and considering the fact that the third anticipatory bail petition filed by the petitioner was dismissed on 28.11.2022 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/-

12/01/2023

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/01/2023

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

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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.537 of 2023

Date :12/01/2023

PKP/MMS/SAR-2/23.01.2023/2P/3C