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CRL OP(MD). No.12694 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12694 of 2023

Suresh

... Petitioner/Sole Accused

Vs

The State, through
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.183 of 2023).

... Respondent/Complainant

For Petitioner : Mr.C.CHRISTOPHER,
Advocate.

For Respondent : Mr.R.SURESH KUMAR,
Government Advocate (Crl. Side)

For Intervenor : Mr.M.JEGADEESH PANDIAN, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.183 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C., and section 21

(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.183



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of 2023 on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner said to have illegally transported 1800 cubic metre of soil and also caused damage to the canal. The damage is worth about Rs.6,37,000/-, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. Consideration the gravity of offence committed by the petitioner, the earlier anticipatory bail application was dismissed by this Court.

5. The learned counsel for the petitioner would submit that even as per the allegation made in the First Information Report, the above said persons, who alleged to have committed the offence with this petitioner in taking the above said sand has not been included as accused and absolutely, there is no material evidence to show the illegal sand mines activity of the petitioner.

6. One of the villagers has come on record as intervenor and stated that the sand, illegally taken by the accused from the above said area is worth about Rs.6,37,000/-. Inspection was made by the Assistant Executive Engineer in the above said site, wherein, he found that the sand about 5 feet depth has been taken illegally without proper permission.

7. Considering the facts and circumstance of this case and considering the



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gravity of offence, there is no change of circumstances, this Court is not inclined to

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grant anticipatory bail to the petitioner. Hence the petition stands dismissed.

sd/-

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/08/2023

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

INDU
TO

1 THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.12694 of 2023

Date :26/07/2023

SA/VR/SAR. /08.08.2023/3P/3C

Madurai Bench of Madras High Court is issuing
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