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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.14246 of 2023

Nagarajan,

... Petitioner/ Accused Rank Not Known

Vs

State rep. by
The Inspector of Police,
Kalakad Police Station,
(In Crime No.265 of 2023)
Tirunelveli District.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.265 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent



police for the offences punishable under Section 379 of IPC (Sand theft) in Crime No.265 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein has illegally transported one unit of pond sand in a tractor bearing Reg.No. TN 72 AW 5235. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the name of the petitioner not found place in the First Information Report and since he is the owner of the vehicle he has been falsely implicated in this case.. Therefore, he prayed for anticipatory bail to the petitioner.

4.The Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner is having five previous cases, of which one case is similar in nature.

5.Considering the facts and circumstances of the case and also the fact that one similar case is pending against the petitioner and also the fact that illegal sand mining will affect the eco system this court is not inclined to grant anticipatory bail to the petitioner.



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6. Hence the petition stands dismissed.

sd/-
09/10/2023

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/10/2023

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

AAV
TO

1. The Inspector of Police,
Kalakad Police Station,
Tirunelveli District..
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.14246 of 2023
Date :09/10/2023

SSA/VRS/14.10.2023/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023