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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17541 of 2022

M.Nagoor @ Nagooran

... Petitioner/Sole Accused

Vs

The State,
Represented by the Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
Cr.No.131/2022)

... Respondent/Complainant

For Petitioner : Mr.Balamurugan.P,Advocate

For Respondent : Mr.Sakthi Kumar. M
Government Advocate (Crl.Side)

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

PRAYER :-

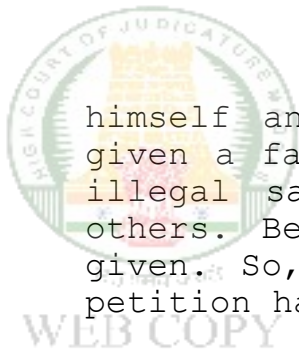
For Anticipatory Bail in Crime No.131/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w 21(4) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.131 of 2022, seeks anticipatory bail.

2.This is the third anticipatory bail petition. The earlier anticipatory bail petitions filed by the petitioner were dismissed by this Court on 23.08.2022 and 13.09.2022, on finding that the petitioner has involved in previous cases, which are similar in nature in Crime No.303 of 2020 and 94 of 2022 on the file of the various Police Stations. So, considering the habitual nature of the petitioner, the above said two petitions came to be dismissed.

3.The learned counsel for the petitioner at that time of <https://www.judis.gov.in/> would submit that because of some land dispute between



himself and the defacto complainant, the defacto complainant as given a false complaint stating that this petitioner has stole the illegal sand stored in his patta land and selling the same to others. Because of the previous enmity, false complaint has been given. So, on the apprehension of arrest, this anticipatory bail petition has been filed.

4. The matter was adjourned and called on 02.01.2023, on that day, it was submitted by the learned Counsel for the petitioner that even though the petitioner appeared before the respondent Police, the defacto complainant did not.

5. The learned Additional Public Prosecutor would submit that the land where the above said sand stored belongs to the defacto complainant. Now, the survey has been undertaken by the Mines Department to value the sand. I find that this contention cannot be taken into account at this stage and who is stored the sand in the above said land is a matter for investigation. But, considering the habitual nature of the petitioner, no change of circumstances have been made out in this petition and hence, the petitioner is directed to surrender before the concerned Court and seek regular bail. Accordingly, this Criminal Original Petition is dismissed.

sd/-

04/01/2023

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/01/2023

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

INDU

TO

- 1 THE INSPECTOR OF POLICE
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.BALAMURUGAN P, Advocate (SR-168[I] dated 05/01/2023)

ORDER

IN

CRL OP(MD) No.17541 of 2022

Date :04/01/2023

PKP/MMS/SAR-2/12.01.2023/2P/4C

<https://www.mhc.tn.gov.in/judis>