



WEB COPY

CRL.O.P(M



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.32 of 2023

Gajendran

...Petitioner/Accused No.2

-vs-

State represented by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(In Crime No.126 of 2020)

...Respondent/Complainant

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.126 of 2022.

For Petitioner : Mr.P.Krishnasamy, Advocate

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

O R D E R

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 & Regulation) Act, 1957 in Crime No.126 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that the petitioner was found in illegal transportation of $\frac{1}{4}$ unit of gravel sand in 2 bullock carts. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner has transported the sand for his personal use. He prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner had not taken river sand for personal use and he is a



habitual offender and he is indulging in transporting ri and illegally. He would further submit that the petitioner has got 5 previous cases to his credit.

5. Taking into consideration the facts that the petitioner has got 5 previous cases, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this 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
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.32 of 2023
Date :12/01/2023

PKP/BUC/SAR-2/31.01.2023/2P/3C