

IN THE COURT OF VACATION SESSIONS JUDGE (PRINCIPAL SESSIONS COURT),
RAMANATHAPURAM

PRESENT: Thiru.R.Shanmugasundaram, B.com., L.L.B.,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

திருவள்ளூர் ஆண்டு 2052 தமிழ் ஸ்ரீ பிலவ ஆண்டு சித்திரை மாதம் 23-ம் நாள் வியாழக்கிழமை

Thursday, the 06th day of May 2021

Cr.M.P.No. 29 of 2021

Balakrishnan @ Senthil, aged about 38 years, S/o. Narasingam, North Street, Soodiyur,
Paramakudi Taluk, Ramanathapuram District.

...Petitioner/ Accused

/vs/

State, through the Inspector of Police,
Parthibanoor P.S.
in Cr.No. 53/2021

...Respondent/Complainant

For petitioner : Thiru.A.Manoharan, Advocate.
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,
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PETITION FILED ON 04.05.2021 FOR ANTICIPATORY BAIL U/S 438 Cr.P.C.
ORDER

Heard, the submissions made by the learned counsel for the petitioner as well
as the learned Public Prosecutor.

The respondent police has filed a case against the petitioner in Crime
No. 53/2021 under sections 379 of Indian Penal Code, 21 (I) Mines and Minerals
(Development & Regulation) Act 1957.

The case of the prosecution is that on 11.03.2021, the petitioner illegally
transited the river sand without any valid licence and permission.

The learned counsel for the petitioner would submit that the petitioner has
falsely been implicated in this case and the petitioner is an innocent. The first accused
is the owner-cum-driver of the vehicle and the petitioner is constructing a building

and a false case has been foisted against them. He has no previous case and he is in no way connected with this case. Further, the property was recovered and most of the investigation is completed and he prays to grant anticipatory bail to the petitioner.

The learned Public Prosecutor has submitted that there are totally 2 accused in this case and the petitioner is figured as A2. A1 is the owner-cum-driver driver of the vehicle. The petitioner is constructing a building. On 11.03.2021, the petitioner alongwith another illegally transited one unit river sand without any valid licence and permission. The property was recovered and the investigation is in preliminary stage. Hence, he strongly objected to grant anticipatory bail to the petitioner.

Considering both side submissions, the nature of offence which would affect the natural resources of the nation and stage of the investigation, this Court is not inclined to grant anticipatory bail to the petitioner.

Hence, this petition stands dismissed.

Pronounced by me in open Court this the 06th day of May 2021.

Sd/- R.Shanmugasundaram,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

Copy to
The Judicial Magistrate, Paramakudi
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, Parthibanoor P.S.
The Advocate concerned.