

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 புதி பிலவ ஆண்டு சித்திரை மாதம் 23-ம் நாள் வியாழக்கிழமை

Thursday, the 06th day of May 2021

Cr.M.P.No. 30 of 2021

Kannan, aged about 34 years, S/o. Malairaj, Pudhukudiiruppu, Kalliyadiyenthal, Paramakudi Taluk, Ramanathapuram District.

...Petitioner/accused

/vs/

State, through the Inspector of Police,
Paramakudi Taluk P.S.
in Cr.No. 149/2021

...Respondent/Complainant

For petitioner : Thiru.S.Chellamani, Advocate.
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,

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 alongwith another in Crime No. 149/2021 under sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act.

The case of the prosecution is that on 17.04.2021, the petitioner alongwith another illegally transited the river sand through TN 65 Y 9276 without any valid permission (or) licence.

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 petitioner is the driver of the vehicle and a false case has been foisted against him. He is in no way connected with this case and he has no previous case. Further, the petitioner already filed an anticipatory bail petition before this Court in Cr.M.P.No. 1031 of 2021

which was dismissed on 22.04.2021. 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 two accused in this case and the petitioner is figured as A1. The petitioner is the driver of the vehicle. A2 is the owner of the vehicle. A2 is still absconding. On 17.04.2021, the petitioner alongwith another illegally transited 2 unit river sand through TN 65 Y 9276 without any valid permission (or) licence. The petitioner fled away from the scene of occurrence and the property was recovered and the investigation is not yet been completed and the earlier bail application was dismissed by this Court. Hence, he objected to grant bail to the petitioner.

Considering the both side submissions, the nature of offence which would affect the natural resources of the nation and the investigation is not yet been completed and there is no change of circumstances from the earlier dismissal order, this Court is not inclined to grant 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, Paramakudi Taluk P.S.
The Advocate concerned.