

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, MADURAI.

PRESENT: THIRU. M.THANDAVAN, B.L.,

(I Additional District & Sessions Judge, Madurai)

PRINCIPAL SESSIONS JUDGE (i/c.) MADURAI.

(AUTHORISED U/S.10(3) OF CR.P.C.)

Friday, this the 24th day of July -2020.

Crl.M.P.No.3434/2020

1.S.Arivanantham,S/o.Subramanian

2.R.Jothi,S/o.Rajangam

3.Manikandan,S/o.Mahalingam

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Koodakovil,P.S. Cr.No.635/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.G.Sundarapandi, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Anticipatory Bail application under section 438 of Cr.P.C.

2. The offences alleged are under section 379 of IPC r/w. 21(V) of MMDR Act.

3. Heard both sides.

4. The case of the petitioner is that the date of occurrence was 16.7.2020, totally there are 3 accused in this case, the petitioners are A1 to A3, the A1 is the owner of the tipper lorry, the A2 is the owner of the quarry and the A3 is the driver of the tipper lorry, the allegation against the petitioners is that they have transported the stone in a tipper lorry without permission. In fact, they have taken stone only from their quarry and they are doing the work for the past 25 years. The land is also patta land of the 2nd petitioner. The vehicle was purchased under hire purchase, unless the 1st petitioner is released on bail, the 1st petitioner is unable to repay the debt and there is no previous case pending against the petitioners, investigation is over. The petitioners are bread winners of their respective families. The petitioners are ready to abide any condition imposed by this court and prays to grant anticipatory bail to the petitioners.

5. It is argued on the part of the respondent that totally there are 3 accused in this case, no one arrested in this case, the Government is the owner of the quarry and the 2nd petitioner is not owner of the quarry, the 2nd petitioner is only the licence holder for the quarry, the defacto complainant is the Deputy Director of Mines, the license was also already lapsed, without licences, the petitioners have taken stone from the quarry in a lorry, they have committed two offences, first one is the licence was lapsed and the 2nd one is with out any permit they have transported the stone. Hence, he strongly objected in granting anticipatory bail to the petitioners.

6. This court carefully perused the records and the arguments of both sides. It is alleged that the petitioners have taken stone from the quarry without license and also transported the stone without any permit. Therefore, considering the strong objection on the part of prosecution, it is held that the petition deserves to be dismissed.

7. In the result, the anticipatory bail petition is dismissed.

Pronounced by me in Camp Court on the 24th day of July -2020.

Sd/-M.Thandavan,

Principal Sessions Judge (i/c.),Madurai.

Copy to

1. The Judicial Magistrate concerned.