

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.NO.7614 of 2020

Nanthakumar

..... Petitioner/Accused-1

Vs.

State rep by the
Inspector of Police,
Thittacherry Police Station,
Nagapattinam District,
(Crime No.290 of 2020)

..... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.290 of 2020 pending on the file of the respondent.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.T.Shunmuga Rajewaran,
Government Advocate.

ORDER

Apprehending arrest for the offences punishable under sections 379, 430 IPC and 21(1) Mines and Minerals (Developments and Regulation) Act, on the file of the respondent police, the petitioner/A1 has come forward with the petition seeking for Anticipatory Bail.

2. According to the prosecution, the petitioner and five others unlawfully lifted sand without any sanction or authority and it is stated that the petitioner had escaped from the scene of occurrence and the other accused involved in the crime had been arrested and thereby committed the offences put forth against them.

3. According to the petitioner, he has not committed the offences levelled against him and the case has been falsely foisted against him at the instance of the other accused and he is ready to cooperate with the investigation in all aspects and abide with any condition that may be imposed by this Court and accordingly, prayed for the relief sought for by him.

4. On the other hand, it is put forth by the learned Public Prosecutor

that investigation is still pending and further would state that two other previous cases are pending against the petitioner and therefore, according to him, if the petitioner is granted the relief sought for, he would escape from the clutches of law and cause obstacles to the process of ongoing free and fair investigation and there is a likelihood of the petitioner committing the same offences once again and thereby strongly opposed the relief sought for by the petitioner.

5. Considering the nature of the accusation levelled against the petitioner, the stage of the investigation and further inasmuch as two previous cases are pending against the petitioner and the apprehension of the prosecution that the grant of pre-arrest bail in favour of the petitioner would cause hindrance to the process of fair and free investigation, not to be easily discarded, in all, at this stage of the matter, I am not inclined to grant the relief sought for by the petitioner.

6. For the reasons aforesaid, the criminal original petition is dismissed.

Index : Yes/No

Internet : Yes/No

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T.RAVINDRAN,J

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To:

1. The Inspector of Police,
Thittacherry Police Station, Nagapattinam District,
(Crime No.290 of 2020).
2. The Public Prosecutor, High Court, Madras.



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