

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

CrI. O.P. No. 7795 of 2020

Kumar, (M/45 years),
S/o.Kuppan,
No.22, Gandhi Nagar Salai,
Arikkambedu Village,
Thiruvallur District. .. Petitioner / Sole Accused

Vs.

State by The Inspector of Police,
Vengal Police Station,
Thiruvallur District. .. Respondent / Complainant

[Crime No. 128 of 2020]

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.M.Jothikumar

Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Sections 379, 430 of Indian Penal

Code read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.128 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that, while the defacto complainant was checking the vehicles at 22.30 hours on 05.03.2020 near Arikkambedu Village, stopped the tipper lorry bearing Registration No.TN 18 M 3477. The petitioner stopped the vehicle and ran away from the place of occurrence. On search of said vehicle, it was found that the petitioner was transporting two units of alluvial sand without any permission or license affecting water source and the tipper lorry with sand was seized. On complaint, case has been registered under Sections 379, 430 of Indian Penal Code read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

3.The learned counsel appearing for the petitioner submitted that petitioner is owner of the vehicle, he is innocent and he has been falsely implicated in the case and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner committed theft of two units

of sand from the river illegally. The petitioner is having five previous cases of same offence in Crime Nos.474 of 2009, 176 of 2014, 364 of 2018 and 906 of 2020 on the file of respondent Police and 364 of 2015 on the file of Sholavaram Police Station. In the present case, investigation is pending and prayed for dismissal of petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Considering the nature of allegations against the petitioner and pendency of many criminal cases, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

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27.05.2020

krk/gsa/kj

Index : Yes / No

V.M.VELUMANI, J.,

krk/gsa/kj

To

1.The Inspector of Police,
Vengal Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.



Crl. O.P. No. 7795 of 2020

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