

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.13753 of 2020

Kalaiivanan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.728 of 2020 on the file of respondent Police.

For Petitioner : Mr.S. Sarath Chandran

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.728 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported the one and half unit sand in a TATA ACE, without any permit or valid licence. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and petitioner has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the quantity of river sand involved is one and half unit. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. This court is of the opinion that these type of cases are impacting large Magnitude and the petitioner is misusing the discretionary power of this Court and continues with the offences affecting the environment and ecology.

6. In view of the order passed by this Court in Crl.O.P.No.13334 of 2020 etc. Batch dated 03.09.2020, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

07/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THITTACHERY POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S. S.SARATH CHANDRAN Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.13753/2020

Date :07/09/2020

RVR 25/09/2020

WEB COPY