

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.16544 of 2020

Thiyagarajan

... Petitioner/Accused

Vs.

State rep. By

The Inspector of Police,  
Mallur Police Station,  
Salem District.

Crime No.627 of 2020.

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to grant Anticipatory Bail to the petitioner in the event of arrest in connection with Crime No.627 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.Rakhi,  
for Mr.R.Jayaprakash

For Respondent : Mr.Charles Prem Kumar  
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 21(1) of Mines and Minerals Act (Development and Regulation Act) r/w 379 of IPC in Crime No.627 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the owner of the Tractor has transported fence stone without permit. When the vehicle was intercepted by the Officials of the Geology and Mining, the Driver of the Tractor, abandoned the vehicle and fled away. Hence the complaint.

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

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Though the present petition has been filed, enclosing the alleged permit, issued by the quarry owner permitting the petitioner to transport three square meters of stone and the same is valid from 31.08.2020 at 1.00 p.m to 5.00 p.m, this Court is of the view that if really the goods were accompanied with valid permit, there is no necessity for the driver to abandon the vehicle and fled away from the scene of occurrence, immediately after interception of the officials. Also following the order passed by this Court in the case of Bala @ Balasubramani versus Inspector of Police, Thakkolam Police Station, Vellore District reported in 2020 2 Law Weekly Crl 528, this Court is not inclined to grant anticipatory bail to the petitioner, since the custodial interrogation of the petitioner is essential.

6. Accordingly, the Criminal Original Petition stands dismissed.

-sd/-

22/10/2020

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 INSPECTOR OF POLICE,  
MALLUR POLICE STATION,  
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges  
SR.No.7102

CRL OP.16544/2020

Date :22/10/2020

cs 03/11/2020