

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16971 of 2020

S.Thirumalai

... Petitioner/Accused

Vs.

State rep. By

... Respondent/Complainant

The Sub-Inspector of Police,  
Arakkonam Taluk Police Station,  
Arakkonam,  
Ranipet District.  
Crime No.438 of 2020.

**PRAYER:** This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on Anticipatory bail in the event of his arrest in connection with Crime No.438 of 2020, pending investigation on the file of respondent.

For Petitioner : Mr.P.Krishnan

For Respondent : Ms.T.P.Savitha.  
Government Advocate

**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 430 and 379 IPC in Crime No. 438 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3.It is the case of illegal transporting of river sand allegedly by the petitioner herein in his tractor bearing No.TN-20 BA 2072. The case of the prosecution is that on 18.07.2020, when the complainant along with two police constables, while on surveillance and on clear intimation, intercepted the tractor bearing Registration No.TN-20 BA 2072. The driver of the tractor on seeing the police party, has abandoned the vehicle and ran away. On inspection of the vehicle, they found one unit of river sand in the

trailer attached to the tractor and the same was seized under Mahazar and brought to the Police Station and the case under Sections 430 and 379 of IPC has been registered against the petitioner herein, being the owner of the tractor.

4. In the Anticipatory Bail Petition, it is contended that it is a foisted case and the Photograph of the tractor has been annexed with the petition showing that there is no sand in the trailer. The learned Counsel for the petitioner would also refer a complaint given to the Superintendent of Police, Ranipet by the petitioner herein on 16.10.2020.

5. This Court is not convinced with the submission made by the learned Counsel for the petitioner for a simple fact that the vehicle was seized by the police on 18.07.2020. Belatedly, the petitioner has reacted inventing the defence and reported to the Police Station on 16.10.2020. The photograph of the tractor alleged to be taken on 16.10.2020 without sand does not enhance the case of the petitioner herein. The illegally mined sand need not be kept in the trailer for three months. The police may have taken necessary action to dispose the same.

6. As far as the illicit transport of sand and other minerals, this Court has held that the larger interest of the public is more important than the individual liberty of a person, who are exploiting the natural resources illegally. Following the dictum of this Court rendered in the case of **"Bala @ Balasubramani -vs- State represented by the Inspector of Police, Thakkolam Police Station, Vellore District"** dated 03.09.2020 in CrI.O.P.No.13334 of 2020 etc. batch, this petition for Anticipatory Bail is 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 JUDICIAL MAGISTRATE,  
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

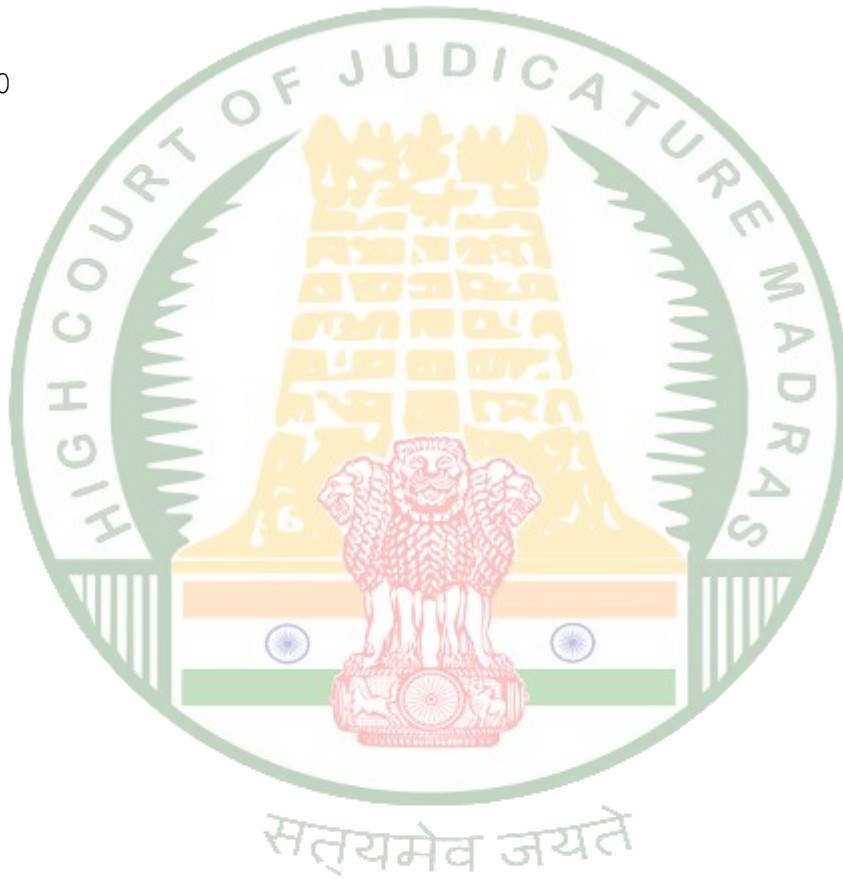
4 THE SUB INSPECTOR OF POLICE,  
ARAKKONAM TALUK POLICE STATION,  
ARAKKONAM,  
RANIPET DISTRICT,

CC to M/S. P.KRISHNAN Advocate on payment of necessary charges

CRL OP.16971/2020

Date :22/10/2020

TA-03/11/2020



WEB COPY