

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16939 of 2020

Mohan @ Sakthi Saran

... Petitioner/Accused No.2

Vs.

State rep. By

The Sub-Inspector of Police,
Harithuvaramangalam Police Station,
Tiruvarur District.

Crime No.401 of 2020. ... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.401 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.O.S.Thilakpasumbadiyar

For Respondent : Mr.Charles Prem Kumar
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 alleged offences punishable under Sections 379 of IPC read with 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.401 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the JCB bearing Registration No.TN 38 BM 0885 which belongs to the petitioner herein, was seized by the respondent police while illegally mining sand in S.No.243/5. First Information Report has been registered against one Tamilselvan who is the owner of the land and against the petitioner herein who is the owner of the JCB. Based on the complaint given by the Village Administrative Officer, the case has been registered for excessive exploitation of Minerals in the patta land.

3.In this petition, though it is admitted that the vehicle belongs to the petitioner / 2nd accused, the learned Counsel for the petitioner states that actually the vehicle stands in the name of the petitioner's father. The police, only on investigation has arrayed the petitioner as the owner of the vehicle and the investigation is still pending.

4.At this stage, request of Anticipatory Bail cannot be granted. If the ownership of the vehicle stands in the name of the petitioner's father, it is open to the prosecution, to take appropriate action in accordance with law. Hence, the 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 DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE COURT,
NEEDAMANGALAM, TIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
HARITHUVARAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S. V.PAARIVALLAL Advocate on payment of necessary
charges SR.No.7109

CRL OP.16939/2020

Date :22/10/2020

cs 02/11/2020

<https://hcservices.ecourts.gov.in/hcservices/>