

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.955 of 2021

K.Prabhakaran

... Petitioner

Vs.

State Rep. By

...Respondent

The Sub Inspector of Police,

E-3, Minjur Police Station

Chennai-601 203.

(Crime No.3472 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.3472 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.Durai Kannan

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

ORDER

(This 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 and 430 of IPC r/w. 36(A) of Mines and Minerals (Development & Regulation) Act, in Crime No.3472 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Kumaravel, attached to the respondent police is that while he was on his routine rounds near Neithavayal bus stand, he had stopped a mini lorry bearing Reg.No.TN23AD0950 and when he enquired the driver, he was not answering properly and when the search was conducted, it came to light that he was illegally transporting one unit of river sand and on further enquiry, the accused informed that he is the driver and on the instructions of the owner of the lorry one Prabha, he is transporting the river sand illegally and he was

paid Rs.2,000/- per trip. During the enquiry, it was found that the accused had caused damage to the riverbed and committed the theft of river sand.

3.Learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the lorry had been taken by the driver without his knowledge and that the driver has involved in the illicit theft of sand. He would further submit this is the second anticipatory bail petition and the earlier anticipatory bail application was dismissed by this Court vide order dated 10.11.2020 in Crl.O.P.No.18187 of 2020.

4.Learned Additional Public Prosecutor would submit that while the defacto complainant was on his usual rounds, he intercepted a mini lorry bearing Reg.No.TN23AD0950, which belongs to the petitioner, and on enquiry, the driver of the vehicle informed that he had been illegally transporting river sand on the instructions of this petitioner, who is the owner of the vehicle and the driver was paid Rs.2,000/- per trip. He would further submit that this is the second anticipatory bail application and there is no change of circumstances.

5.Considering the fact that this is the second anticipatory bail petition and there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-

04/02/2021

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 SUB INSPECTOR OF POLICE,
E-3, MINJUR POLICE STATION,
CHENNAI-601 203.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.DURAI KANNAN Advocate on payment of necessary charges

CRL OP.955/2021

Date :04/02/2021