

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.1122 of 2021

1 M.ANANTHARAJI

[PETITIONERS / ACCUSED]

2 T.SAKTHIVEL

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ARAKANDA NALLORE POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.947/2020

For Petitioner : M/S.G.KARTHEEBAN Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Crl.O.P.No.1122 of 2021

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC, in Crime No.947 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant vis.Sundararaman, Assistant Geologist, Customs Department, Minerals and Mining is that on 15.10.2020 at 4.00 p.m. while he along with his officials keeping watch over the illegal transport of minerals, had seen a Taurus lorry bearing Reg.No.TN-52-C-4233 parked near Aragandanallur ESSAR Petrol Bunk and found that no one was present near the lorry, the officials conducted a search and they found seven granite stones each measuring 10.5 cubic meter loaded in the said lorry, thereby, the lorry was brought to the office of the defacto complainant by the driver belonging to the department and thereafter on the complaint, a case was registered.

3.Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the 1st petitioner is the driver and the 2nd petitioner is the owner of the lorry and they have been engaged by the mining company to transport the granite stones, however, they have not handed over any documents to them. He would submit that this is the 2nd anticipatory bail petition and the earlier anticipatory bail application was dismissed by this Court vide order dated 04.11.2020 in CrI.O.P.No.17312 of 2020 based on the orders passed by this Court in a batch of applications in CrI.O.P.No.13334 of 2020 dated 03.09.2020. He would submit that the matter has been clarified by the Hon'ble Apex Court and the Hon'ble Apex Court had not agreed with the broad sweep of the observation made by this Court in Paragraph 27 of the order in CrI.O.P.No.13334 of 2020 and connected matters decided on 03.09.2020 and had directed that the role assigned to the person would have to be considered on case to case basis, thereby, he would seek for grant of anticipatory bail.

4.Learned Government Advocate (CrI. Side) would vehemently oppose stating that it is a case where huge quantity of granite stones were seized. The Taurus lorry belonging to the petitioners was found to be loaded with seven larger granite stones each measuring 10.5 cubic meter. The petitioners have transported them without any valid licence, thereby, the vehicle along with contraband has been seized. He would further submit that this Court on the earlier occasion dismissed the anticipatory bail petition filed by the petitioners based on the order passed in CrI.O.P.No.13334 of 2020 batch dated 03.09.2020, thereafter, the Hon'ble Supreme Court had clarified that the matters have to be considered on case to case basis.

5.Taking into consideration the fact that it is a case where seven huge granite stones each measuring 10.5 cubic meters were illegally transported by the petitioners without proper licence, this Court is not inclined to grant anticipatory bail to the petitioners.

6.This Criminal Original Petition stands dismissed accordingly.

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-sd/-
15/02/2021

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 INSPECTOR OF POLICE,
ARAKANDA NALLORE POLICE STATION,
VILLUPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.KARTHEEBAN Advocate on payment of necessary charges

CRL OP.1122/2021

Date :15/02/2021

MK:26/02/2021



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