

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1618 of 2021

C.Mariyappan

... Petitioner

-Vs-

The State Represented by,
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.1453 of 2020)

.... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1453 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.C.Palanisamy

For Respondent : Mr.S.Karthikeyan
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 Section 379 of IPC, in Crime No.1453 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had transported $\frac{1}{2}$ unit of river sand illegally by using Tipper lorry bearing Registration No.TN 29 BU 6545 and along with JCB bearing Registration No.TN 29 BU 7050, without any valid permission. Hence, the complaint.

3.The learned counsel for the petitioner submitted that this is the second anticipatory bail application before this Court and the earlier anticipatory bail application filed by the petitioner in Crl.O.P.No.15475 of 2020, which was dismissed as withdrawn on 30.09.2020. He would further submit that the petitioner is an innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the petitioner had transported ½ unit of river sand illegally by using Tipper lorry bearing Registration No.TN 29 BU 6545 and along with JCB bearing Registration No.TN 29 BU 7050, without any valid permission. He would further submit that there are two previous cases pending as against this petitioner and hence he vehemently opposed to grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that the entire contraband was seized and that the petitioner was involved in two previous cases, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-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 JUDICIAL MAGISTRATE,
PALACODE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

CC to M/S. C.PALANISAMY Advocate on payment of necessary charges

WEB COPY

CRL OP.1618/2021

Date :04/02/2021

RVR 17/02/2021