

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2934 of 2021

S.Karthik

... Petitioner

Vs.

State rep. by
Inspector of Police
Chettipalayam Police Station
Coimbatore District
(Crime No.824 of 2020)

... Respondent

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.824 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC, in Crime No.824 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. B.Ramesh, Special Revenue Inspector (Minerals), Geological and Customs Department, Coimbatore is that on 06.10.2020 around 4.50 p.m., while he was conducting vehicle check, intercepted a tipper lorry bearing Regn.No.TN41AD2399 and found the same was loaded with three (3) units of gravel sand without any permission, thereby, the lorry was seized and a case was registered by the respondent police.

3.Learned counsel appearing for the petitioner would submit that this is the second anticipatory bail petition and the earlier application was dismissed by this Court vide order dated 07.12.2020 in Crl.O.P.No.18547 of 2020 based on the orders passed by this Court in a batch of applications in Crl.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 Crl.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 (Crl. Side) would vehemently oppose stating that it is a case where the petitioner had illegally transported three (3) units of gravel sand in a tipper lorry for personal use from the neighbouring house without any valid licence, thereby, the vehicle along with contraband had been seized. He would further submit that this Court on the earlier occasion dismissed the anticipatory bail petition filed by the petitioner based on the order passed in Crl.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 the petitioner has illegally transported three (3) units of gravel sand without proper licence and this is the second anticipatory bail application and there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioners.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
26/02/2021

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,
CHETTIPALAYAM POLICE STATION,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.SARAVANAKUMAR Advocate on payment of necessary charges SR NO. 2500

CRL OP.2934/2021

Date :26/02/2021