

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.OP.No.4026 of 2021

Subash

... Petitioner

..VS..

State Rep. by
Inspector of Police
Dusi Police Station,
Tiruvannamalai District,
Cr.No.25 of 2021.

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C, to
enlarge the petitioner on bail in the event of his arrest in Crime No.25 pf
2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saranraj
For Respondent : Mr.K.Madhan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 and 430 IPC r/w Section 21(5) of Mines and Minerals Act, 1957 in Crime No.25 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have transported illegally half unit of sand by using Mahindra Pickup bearing Registration No.TN 59 R 2382 and the vehicle has been seized by the respondent police.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that petitioner transported illegally half unit of sand by using Mahindra Pickup bearing Registration No.TN 59 R 2382 and that the investigation

is still pending. He would further submit that the petitioner has absconded and hence, he has raised serious objection to grant anticipatory bail to the petitioner. He would further submit that earlier bail application was dismissed by this Court on 01.02.2021.

5. Since the offence is under Section 379 and 430 IPC r/w Section 21(5) of Mines and Minerals Act, 1957, this Court, time and again had passed stringent order that the cases under Mines and Minerals Act has to be viewed seriously and this Court shall prevent the exploitation of natural resources.

6. Under these circumstances, considering the nature of offence, the investigation is still pending, the charge sheet has not yet been filed and there is every possibility of committing similar offence and this Court already dismissed the petition on 01.02.2021. There is no change of circumstances and hence, this Court is not inclined to grant anticipatory

P.VELMURUGAN, J.

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bail. Accordingly, this Criminal Original Petition is dismissed. The respondent police is directed to secure the petitioner.

02.03.2021

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To

- 1.The Judicial Magistrate,
Cheyyar, Tiruvannamalai District.
- 2.The Inspector of Police
Dusi Police Station,
Tiruvannamalai District,
- 3.The Public Prosecutor,
High Court, Madras.

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