

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.3908 of 2021

1.Sathish Kumar
2.Arul

...Petitioner

Vs.

State Rep. By
The Inspector of Police
Arni Taluk Police Station
Tiruvannamalai District

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.416 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.L.Venkatesan

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379 and 430 IPC and 21(5) of the Mines and Minerals (Development & Regulation Act, 1957, in Crime No.416 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 06.04.2020, when the Inspector of Police along with his police party was on patrol duty, the petitioners were found illegally transporting one unit of river sand by using van bearing Regn.No.TN20 CE 6014. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that this is the third application for anticipatory bail and the earlier applications were dismissed by this Court in Cr1.O.P.No.16898 of 2020 dated 02.11.2020 and Cr1.O.P.No.1110 of 2021 dated 01.02.2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners without obtaining any permission from the Government had illegally dug the land and had transported 1 unit of river sand. He

would further submit that the first application filed by the petitioner was dismissed by this Court on 02.11.2021 in Crl.O.P.No.16898 of 2020 following the orders passed by this Court in a batch of applications in Crl.O.P.No.13334 of 2020 dated 03.09.2020. Subsequently, the petitioner had filed a petition in Crl.O.P.No.1110 of 2021 and as per the directions of the Hon'ble Supreme Court, this Court taken into consideration the role of the petitioners, had dismissed the petition by order dated 01.02.2021 and that there is no change in circumstances. Hence, he vehemently opposed for grant of anticipatory bail.

5. This Court taking into consideration of the fact that the petitioners had commercially exploited the natural resources by committing theft of 1 unit of river sand by using Pocline and Excavator and had transported the same without any valid permit, had dismissed the earlier application on 01.02.2021 and there is no change in circumstances after the dismissal of the earlier application. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
01/03/2021

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
ARNI TALUK POLICE STATION,
TIRUVANAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.L.VENKATESAN Advocate on payment of necessary charges

CRL OP.3908/2021

Date :01/03/2021

EP-10/03/2021