

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.3886 of 2021

Selvan

...Petitioner

Vs.

State Rep. By

...Respondent

The Inspector of Police
Kannamangalam Police Station
Tiruvannamalai District
Crime No.2112 of 2020

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.2112 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 petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 430 and 379 IPC and 21(1) of the Mines and Minerals (Development & Regulation) Act 1957, in Crime No.2112 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 11.08.2020 at about 17.00 hrs, when the Inspector of Police along with his police party was on patrol duty, the petitioner was found illegally transporting three units of river sand by using lorry bearing Regn.No.TN48 D 6705. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that this is the third application for anticipatory bail and the earlier application was dismissed by this Court in Crl.O.P.No.1105 of 2020 by order dated 01.02.2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner without obtaining any permission from the Government had illegally dug the land and had transported three units 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.16892 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.1105 of 2021 and as per the directions of the Hon'ble Supreme Court, this Court taken into consideration the role of the petitioner, 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 petitioner had commercially exploited the natural resources by committing theft of 3 units 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 petitioner.

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,
KANNAMANGALAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.3886/2021

Date :01/03/2021

EP-10/03/2021