

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.3914 of 2021

Siva @ Sivakumar

...Petitioner

Vs.

State Rep. by
The Inspector of Police
Kannamangalam Police Station
Tiruvannamalai District

...Respondent

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.2296 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.L.Venkatesan

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 and 430 IPC and 21(1) of the Mines and Minerals (Development & Regulation) Act 1957 and Section 3(2) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act 1992, in Crime No.2296 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 01.09.2020, when the Inspector of Police along with his police party was on patrol duty, the petitioner was found illegally transporting 1 ½ unit of river sand by using TATA 407 vehicle bearing Regn.No.TN30 AQ 1643. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner/A2 is the owner of the vehicle and he has 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 Crl.O.P.No.16895 of 2020 dated 02.11.2020 and Crl.O.P.No.1108 of 2021 dated 01.02.2021. He would further submit that the petitioner has no other case against him and A1 in this case was arrested and thereafter, enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused without obtaining any permission from the Government had illegally dug the land and had transported

1 ½ 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.16895 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.1108 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 who is the owner of the vehicle along with other accused had commercially exploited the natural resources by committing theft of 1 ½ 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.3914/2021

Date :01/03/2021