



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2021

CORAM :

THE HON'BLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.12648 of 2021

G.Krishnamoorthy

... Petitioner

Vs.

The Sub Inspector of Police,
Kandili Police Station,
Vellore District.
Crime No.796 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.796 of 2020 on the file of respondent Police.

For Petitioner : Mr.Karan and Uday (NA)

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.796 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Santhi, Sub Inspector of Police is that 22.07.2020 when she along with her party was conducting vehicle check up, they intercepted a lorry bearing Regn.No.TN 24B 1870. On seeing the police, the petitioner/driver had left the vehicle and ran away from the place of



occurrence and the other accused namely Barkathulla was apprehended by the defacto complainant. On search of the vehicle, two units of river sand was found without any permit or valid license. Hence, the complaint.

3. There is no representation on behalf of the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is the owner of the lorry bearing Regn.No.TN 24B 1870 and the petitioner without obtaining any permission from the Government had illegally dug the land and had transported two units of river sand. He would further submit that the first application filed by the petitioner was dismissed by this Court on 07.09.2020 in Crl.O.P.No.13774 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.1305 of 2021 and as per the directions of the Hon'ble Supreme Court, this Court taking into consideration the role of the petitioner, had dismissed the petition by order dated 09.02.2021 and that there is no change in circumstances after the dismissal of the earlier application. 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 2 units of river sand and transported the same without any valid permit, had dismissed the earlier application by detailed order dated 09.02.2021 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 stands dismissed.

-sd/-
22/07/2021

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 SUB INSPECTOR OF POLICE,
KANDILI POLICE STATION,
VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.KARAN AND UDAY Advocate on payment of necessary
charges

CRL OP.12648/2021

Date :22/07/2021

CSK 27/07/2021