

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 07.07.2021

CORAM:

**THE HONOURABLE TMT.JUSTICE S.KANNAMMAL**

Crl.O.P.No.11290 of 2021

1.P.Prabu @ Anal Prabu  
S/o. Prakash

2.Preamkumar @ Pream @ Karupan  
S/o. Prakash,

All are residing at  
First street, Anna Nagar,  
Athur Village and Post,  
Chengalpattu Taluk,  
Kancheepuram District – 601 101. .. Petitioners / Accused 1 - 2

**Vs.**

State Rep. by its:-  
The Inspector of Police,  
D-2, Chengalpattu Taluk Police Station,  
Chengalpattu, Kancheepuram District. .. Respondent / Complainant

[Crime No.171 of 2021]

**Prayer:** Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioners : Mr.P.Sugumar  
For Respondent : Mr.Balamurugan  
Government Advocate

## **ORDER**

(The matter is heard through “Video Conferencing/Hybrid mode”).

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 430, 379 of I.P.C., 1860 r/w 21(1) Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.171 of 2021, seek anticipatory bail.

2.The case of the prosecution is that, on 23.04.2020 at about 09.15 A.M., while the complainant went to usual rounds at fruit garden junction near vehicle check-up Athur Village to prevent the sand theft at Palaru riverbed in Athur, one unregistered Bolero Van came from the riverbed and running rapidly after watching the arrival of complainant. On seeing this, the complainant chased the car, but he could not able to catch them. After investigation, they found that the petitioners and driver of the vehicle were involved in the offence of sand theft. Hence, the case has been registered against the petitioners under Sections 430, 379 of I.P.C., 1860 r/w 21(1) Mines and Minerals (Development & Regulation) Act, 1957, in Crime

No.171 of 2021.

3.The learned counsel appearing for the petitioners submitted that the petitioners are brothers and there was a dispute between the petitioners and respondent Police. The petitioners are facing some law-and-order cases registered by the respondent. In such circumstances, the respondent called the petitioners without any reason and detained them in the Police Station without any reason for one day and thereafter they were released. Hence, the petitioners have lodged a complaint before the Tamil Nadu State Human Rights Commission in Diary No.7303/CR/2021 against the ill act of the respondent. In view of the same, the respondent got vengeance against the petitioners and registered this case. The petitioners are hailing from respectable family and they are innocent at the time of trial. This is the second anticipatory bail application filed by the petitioners and earlier petition filed by the petitioners was dismissed by this Court on 12.05.2021 in Crl.O.P.No.8829 of 2021. The learned counsel for the petitioners submitted that 7 previous cases are there against the petitioners and all of them were put up cases and prayed for granting anticipatory bail to the petitioners.

4.The learned Government Advocate appearing for the respondent/Police submitted that the 1<sup>st</sup> petitioner is having 7 previous cases out of which 4 of them were sand theft cases and 3 IPC cases. Out of 4 sand theft cases, two of them were registered in the year 2012 and another two sand theft cases were of the year 2016 & 2017 respectively. He further submitted that the 2<sup>nd</sup> petitioner was already arrested and remanded. He also submitted that this is the second anticipatory bail application filed by the petitioners and earlier petition filed by the petitioners was dismissed by this Court on 12.05.2021 in Crl.O.P.No.8829 of 2021. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate appearing for the respondent Police and perused the materials available on record.

6.This case is posted today to verify with regard to previous cases registered against the petitioners. Since, it is evident from the submission

made by both the learned counsel for the petitioners as well as learned Government Advocate for the respondent/Police that there are 7 previous cases registered against the 1<sup>st</sup> petitioner and 2<sup>nd</sup> petitioner was already arrested, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

**07.07.2021**

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Index : Yes / No

Internet : Yes / No

To

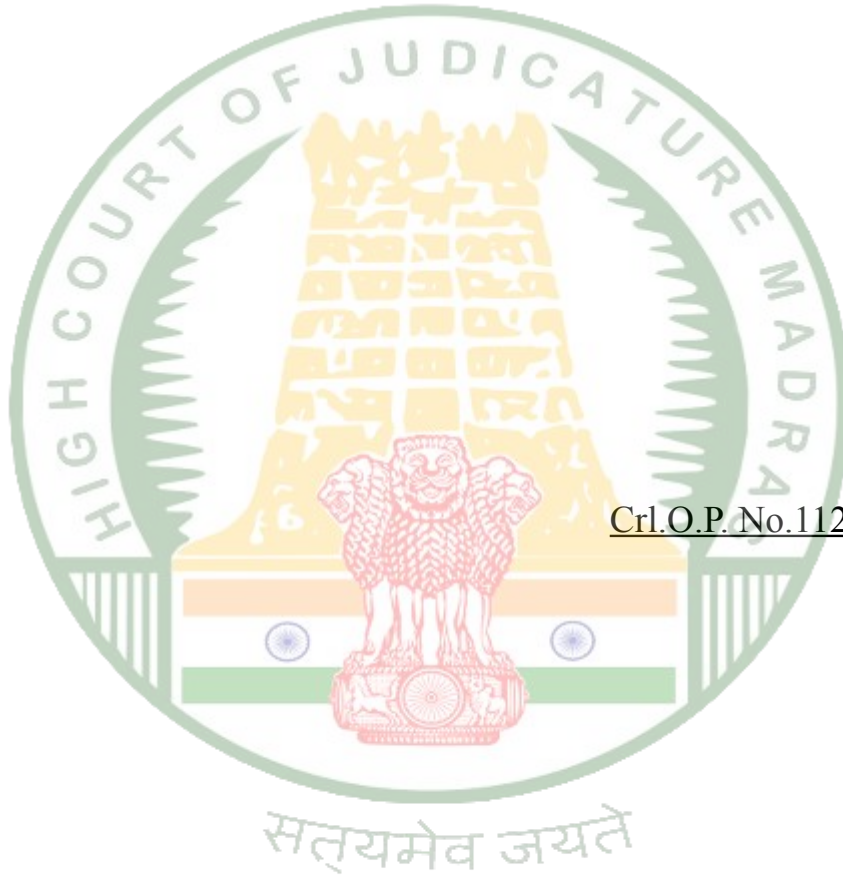
1.The Inspector of Police,  
D-2, Chengalpattu Taluk Police Station,  
Chengalpattu, Kancheepuram District.

2.The Public Prosecutor,  
High Court, Madras.

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**S.KANNAMMAL, J.**

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