



WEB COPY

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

Reserved on :05.04.2022

Pronounced on :07.04.2022

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.7056 of 2022

T.Sivasankar

.. Petitioner

/versus/

The State Rep.by
The Inspector of Police,
Sunguvarchatram Police Station,
Sunguvarchatram,
Kancheepuram District.
Crime No.14/2022

.. Respondent

Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.14/2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.S.Santhosh,
Govt. Advocate (crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 430 of IPC and Section 21(1) of Mines and Minerals Act in Crime No.14/2022 on the file of the respondent police, seeks anticipatory bail.

2.The prosecution case is that, on 5th January 2022, based on specific information, the Inspector of Police attached to the respondent Station went with his team to Kannanthangal lake and found that sand was excavated using JCB and loaded in four lorries. On seeing the police party, all fled except one Rajendiran, JCB Operator. The petitioner is the owner of the un-numbered JCB, which was alleged to be used to excavate sand from lake illegally and loaded it in 4 tipper lorries. The JCB and 2 tipper lorries with 1 ½ units sand, one tipper lorry with 2 units of sand and the one tipper lorry with 2 ½ units of sand were seized. The petitioner is habitual illegal miner of sand and



absconding. Whereas the petitioner claims that he is an innocent and nothing to do with the alleged offence. He is not the owner of the JCB alleged to be used in illegal excavation of the sand. He also submit that the police in Crime No.24/2022 registered a case of similar nature and arrested him on 09/01/2022. He came out on bail on 08/02/2022. If really the respondent police had any information about his involvement in the present case registered in Crime No.14/2022 alleged to have occurred much prior to the case in which he was arrested, then they should have apprehended him. They have roped him in this case falsely because he secured his liberty through Court in the later case.

3.The learned Government Advocate (Crl.Side) submitted that this petitioner along with other accused persons is involved in a cartel of illegal mining. His involvement in the case of 7 ½ units of sand, 4 tipper lorries and one JCB is evident from the statement of witnesses and arrested accused. The accused herein using alias name and un-numbered JCB , hence, his identity could not be ascertained earlier. Unless he is secured, interrogated and taken into custody, the details of other members of the cartel cannot be unearthed, hence, he seeks for dismissal of the petition.

4.This Court on considering the facts of the case and the quantity of sand illegally excavated and attempted to be transported in 4 lorries, finds force in the submission of the learned Government Advocate (crl.side). The petitioner on 05/01/202 had fled from the scene on seeing the police party. After fleeing, he was found indulging in similar crime and got arrested on 09/01/2022. If this petition is allowed, there is possibility of absconding and repetition of the crime. Hence, this Criminal Original Petition is dismissed.

-sd/-
07/04/2022

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
SUNGUVARCHATRAM POLICE STATION,
SUNGUVARCHATRAM,
KANCHEEPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S M.P.SARAVANAN Advocate on payment of necessary
charges

CRL OP.7056/2022

Date :07/04/2022

MK:19/04/2022