



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Third day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.10332 of 2022

T.SIVASANKAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SUNGUARCHATRAM POLICE STATION,
SUNGUARCHATRAM,
KANCHEEPURAM DISTRICT.
CRIME NO.14 OF 2022

[RESPONDENT]

For Petitioner : M/S.M.P.SARAVANAN Advocate

For Respondent : MR. S.UDHYAKUMAR, Govt. Advocate(Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The third anticipatory bail petition is filed by the petitioner herein, 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 of 2022, on the file of the respondent police, seeks bail.

2. According to the prosecution based on the information the sand being illegally excavated from Kannanthangal lake, he went to the spot on 05.01.2022 at 2.30 a.m., and he noticed some one using the unnumbered JCB to excavate the sand and loading it in two lorries. Two of them got arrested and rest of them have fled from the scene of occurrence.

3. Based on the confession statement given by those two persons, the Inspector of Police, Sunguvarchathiram came to know that the sand was illegally excavated and loaded on the instructions of this petitioner and the sand is supposed to be delivered to Maduramangalam Guna @ Gunasekaran and Ponthur Settu.

4. It is contended by the learned counsel for the petitioner that after registration of this case on 05.01.2022, the respondent



police registered another F.I.R., in Crime No.24 of 2022 on 09.01.2022 with similar allegation and he was arrested on 09.01.2022, later he was released on bail on 08.02.2022 on condition to report before the respondent police daily. The bail condition was relaxed by this Court on 11.03.2022. While so, a case in Crime.No.14 of 2022 was registered on 05.01.2022 by the respondent police and they are trying to arrest him again on the premise that the unnumbered JCB belongs to the petitioner,. In fact the said JCB is owned by one Shaik Mahaboob Basha, who filed Crl.M.P.No.340 of 2022, before the learned Principal District Judge, Chengalpattu for temporary custody of the vehicle and on being satisfied about the ownership, the learned Principal District Judge has ordered temporary custody of the vehicle to the said Shaik Mahaboob Basha.

5. This Court on perusing the record to verify how the unnumbered JCB was returned to Shaik Mahaboob Basha on prima facie satisfaction that he is the owner of the vehicle, sought for Status Report. The Inspector of Police, Sunguvarchathiram has filed Status Report pursuant to that, wherein, he has stated that the unnumbered JCB subsequent to the seizure was registered based on the Engine number and chassis number and assigned AP 39 LF 0080.

6. This Court, to satisfy how an unnumbered vehicle was returned back to the said Shaik Mahaboob Basha by the learned Principal District Judge, Chengalpattu, asked the learned Government Advocate (Crl.Side) to produce the CD file. Perusal of the CD file indicates that the registration of the said vehicle was done at R.T.A., Kadappa, Andhra Pradesh on 05.12.2021 itself. While so, on 05.01.2022 when the alleged crime committed, registration number has not been found in the JCB according to the Inspector of Police.

7. While fact on record being so, in the status report filed by N.Paranthaman, Inspector of Police, Sunguvarchathiram, he has made a statement that the said unnumbered vehicle was registered based on Engine number and Chassis number and subsequently numbered as AP 39 LF 0080 at the R.T.A, Andhra Pradesh. This clearly indicates the Inspector of Police, Sunguvarchathiram wants to save the owner of the vehicle namely Shaik Mahaboob Basha had not only suppressed the fact that the vehicle had already been registered, but not carrying registration number plate. But in his status report he has made a misleading statement that the vehicle was subsequently numbered, when the vehicle alleged to have been seized by the respondent police on 05.01.2022.

8. Registering the vehicle without presenting before the R.T.O is not possible and therefore, the Inspector of Police, who have filed the status report, has intentionally given a false information to this Court probably to defend and cover the Shaik Mahaboob Basha. Further, when Shaik Mahaboob Basha application for return of vehicle came up for consideration, he has not objected but allow the vehicle



to be returned to him. The manner in which the investigation has been conducted by the said Inspector of Police clearly indicates that he has not arrested this petitioner herein, who claims to have appeared before him till 11.03.2022 pursuant to the condition imposed by this Court in Crl.O.P.No.2959 of 2022, not only that even after the dismissal of the anticipatory bail twice, he has not shown any interest in secure this petitioner. Further he has connived with another person by name Shaik Mahaboob Basha to get the vehicle back.

9. Therefore taking consideration the cartel involved, this Court is not inclined to grant anticipatory bail to the petitioner. Hence this Criminal Original Petition is dismissed. The Superintendent of Police, Kancheepuram is directed to entrust the matter to the different Investigating Officer and also take necessary departmental action against N.Paranthaman, Inspector of Police, Sunguvarchathiram Police Station, Kanchipuram District for his dereliction of duty and misleading the Court by filing status report with false information.

-sd/-

23/06/2022

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 PRINCIPAL DISTRICT
COURT, CHENGALPATTU

2 THE INSPECTOR OF POLICE,
SUNGUARCHATRAM POLICE STATION,
SUNGUARCHATRAM,
KANCHEEPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT,
MADRAS.



5 THE SUPERINTENDENT OF POLICE,
KANCHEEPURAM

CC to M/S.M.P.SARAVANAN
charges

Advocate on payment of necessary

CRL OP.10332/2022

Date :23/06/2022

RVR 29/06/2022