



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Tenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP(MD) No.6747 of 2019

MOHAMED SHAFI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ERUVADI POLICE STATION,
TIRUNELVELI,
CRIME NO.83/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.A JINNAH Advocate

For Respondent : MRS.S.BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A3 apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC, in Crime No.83 of 2019 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 29.04.2019 at 19.40 hours the Sub Inspector of Police, attached to Kalakadu Police Station along with his party were engaging in patrolling duty at Eruvadi, A1 has driven the tractor bearing registration No.TNTN-72-AY-3643 along with trailer TN-72-AV-3090 accompanied one Perumal (A2) carrying one unit of sand worth Rs.2,000/- without permission receipt.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner is constructing house in Eruvadi, for which he purchased sand by registering online and get proper receipts and due to personal vengeance, the petitioner was falsely implicated in this case.



4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the accused illegally transported theft sand and in this case, the investigation is still pending.

5.It is seen from the records that the accused had illegally theft the sand from the lake. It is to be noted that over the years rivers in India have been affected by the alarming rate of unrestricted sand mining which is damaging the eco-system of the rivers and safety of bridges. It also weakens river beds, fish breeding and destroys the natural habitat of many organisms. If these illegal activities are not stopped by the State and the police authorities of the State, it will cause serious repercussions as mentioned hereinabove. It will not only change the river hydrology but also will deplete the ground water levels.

6.Keeping in view of the above facts, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is **dismissed**.

sd/-
10/06/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE,
ERUVADI POLICE STATION,
TIRUNELVELI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6747 of 2019
Date :10/06/2019

JM/JC/SAR 1/20.06.2019/2P/3C