

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.17069 of 2020

1.Sursh @ Suresh

2.Balasubramaniyan @ Balasubramani

...Petitioner

Vs.

The Inspector of Police
Peralam Police Station
Thiruvarur District

....Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.116 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.M.Mohammad Riyaz
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offence punishable under section 21(1) of
the Mines and Minerals (Development & Regulation Act, 1957 and
Section 379 IPC, in Crime No.116 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 14.03.2020, when the
Inspector of Police along with his police party was on patrol duty,
the petitioners were found illegally transporting sand. Hence, the
complaint.

3. The learned counsel for the petitioner would submit that the
petitioners are innocents and they have been falsely implicated in
this case. Hence, he prays for grant of anticipatory bail to the
petitioners.

4. The learned Additional Public Prosecutor submitted that the
petitioners without obtaining any permission from the Government had
illegally transported sand, thereby degraded the environment and
caused damages to the ecology. Hence he vehemently opposed for the
grant of anticipatory bail to the petitioners.

5.This court is of the opinion that the offenders despite several orders passed by various benches of this court regarding illegal sand mining and knowing fully well about the evil consequences affecting the environment and society at large and the implications thereon are indulging in the offences of illegal quarrying/mining, theft and smuggling of sand and minerals. These cases come within the category of cases of large magnitude affecting and impacting livelihood of a very large number of people knowingly and unknowingly.

6.This Court finds that the discretionary power has been consciously and continuously misused by the offenders in an organised manner and this Court is of the firm opinion that the discretionary powers cannot be extended to persons indulging in illegal sand mining, smuggling and theft of sand and minerals.

7. In view of the order passed by this Court in CrI. OP No.13334 of 2020 etc. Batch, dated 03.09.2020, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

02/11/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. SWAMI SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.17069/2020

Date :02/11/2020

RVR 06/11/2020