

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.13857 of 2020

1.Seenivasan S/o.Appadurai
2.Venkatachalam S/o.Rajendran ... Petitioners

Vs.

State represented by
The Inspector of Police
Thirupathur Town Police Station,
Vellore District
(Crime No.115 of 2019) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.115 of 2019 pending investigation on the file of
the respondent police.

For Petitioner : Mr.D.Selvaraju

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 379, 430
IPC and Section 21(1) of Mines and Minerals (Development &
Regulation) Act, 1957, in Crime No.115 of 2019, seeks anticipatory
bail.

2. The case of the prosecution is that on 12.05.2019, when the
defacto complainant, the Village Administrative Officer along with
his party was conducting usual check up, found the petitioners
transporting 6 units of sand by using two tipper lorries each
containing 3 units. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the
petitioners are innocent and they have not committed any offence as
alleged by the prosecution and that 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 quantity of sand involved in this case is six units. He
further submits that the petitioners without obtaining any permission
from the Government had illegally dug the land and transported sand,
thereby, degrading 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 Crl. 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/-
09/09/2020

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 INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. D.SELVARAJU Advocate on payment of necessary charges

RD 21/09/2020

CRL OP.13857/2020

Date :09/09/2020