

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2020

CORAM

THE HON'BLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13349 of 2020

G.Baskaran @ Baskar

... Petitioner

Vs.

The Inspector of Police
D-1 Tiruttani Police Station,
Tiruttani, Tiruvallur District.
(Cr.No.2310 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.2310 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Rakhi

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379, 430 of Indian Penal Code 1860 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.2310 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police on their routine rounds, found that the petitioner along with other accused, was transporting half unit of sand in a tractor bearing registration No. TN 20 CS 3847, without any valid license or permit.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner's wife viz. Devi Baskar is the President of Pattabiramapuram Pachayat and was constructing a recharge well under the Mahatma Gandhi NREGA Scheme in Kasinathapuram Village, Pattamiramapuram Panchayat and they have transported the sand only with a valid construction order No.2902007016/2019-2020/260350/SAS dated 09.06.2020 issued by the District Collector and the respondent police without proper enquiry, seized the Tractor and Truck used for the purpose of constructing recharge well. Hence, he seeks for grant of anticipatory bail to the petitioner.

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

5. This court is of the opinion that these type of cases are impacting large Magnitude and the petitioner is misusing the discretionary of this Court and continues with the offences affecting the environment and ecology.

6. In view of the order passed by this Court in Crl.O.P.No.13334 of 2020 etc. Batch dated 03.09.2020, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

03/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, TIRUTTANI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
D-1, TIRUTTANI POLICE STATION,
TIRUTTANI,
TIRUVALUR DISTRICT.

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

CRL OP.13349/2020

Date :03/09/2020

RVR 23/09/2020