

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.13443 of 2020

Mathavan

... Petitioner

Vs.

State represented by
The Inspector Of Police,
Kandili Police Station,
Vellore District.
(Cr.No.597 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.597 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Selvaraju

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 Section 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.597 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, the Inspector of Police is that on 04.06.2020, while he was on his usual rounds, he had seen that the accused had without any permission from the Government, dug and taken sand and also caused damages to the Tank. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. In fact it is his own land and that there is a small tank constructed for the purpose of filtering sand for the free flow of water from the well to land through pumpset and the respondent police is foisting stereotype FIRs for statistical purpose. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner without permission from the Government, had dug the land and taken 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 CrI.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 JUDICIAL MAGISTRATE,
NO.II, THIRUPATHUR, VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
VELLORE DISTRICT.

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

WEB COPY

CRL OP.13443/2020

Date :03/09/2020

RVR 23/09/2020