

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM

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

CrI.O.P.No.13756 of 2020

Dhanalakshmi

... Petitioner

Vs.

State rep.by

The Inspector of Police,  
Mayiladuthurai Police Station,  
Nagapattinam District.  
Crime No.183 of 2019

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.183 of 2019 pending on the file of the respondent police.

For Petitioner : Mr.R.Muthukumar

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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 and 430 of IPC, in Crime No.183 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner has transported 2.5 unit of river sand illegally by using her tipper lorry without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would also submit that she is only the owner of the vehicle. Therefore, 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 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 petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

04/09/2020

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,  
MAYILADUTHURAI POLICE STATION,  
NAGAPATTINAM DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.13756/2020

Date :04/09/2020