

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.13741 of 2020

Muruganantham ... Petitioner /2nd Accused

Vs.

State rep. By its
The Inspector of Police,
Valangaiman Police Station,
Thiruvvarur District.
(Cr. No.1620 of 2020) ... 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.1620 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Shankar

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

O R D E R

(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 430 &
379 IPC in Crime No.1620 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence
i.e. on 25.07.2020, during the routine checkup at Valangaiman Main
road, nearby Srimariyamman Kovil, the respondent police stopped the
Tipper Lorry bearing registration No.TN-55-X-7008 and on enquiry,
they found that the petitioner had illegally transported five units
of carvel sand without any permit or valid licence. Therefore, they
seized the vehicle and hence the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and he did not commit any offence as alleged
by the prosecution and he has been falsely implicated in this case.
Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the
quantity of sand involved in this case is five units. He further
submits that the petitioner without obtaining any permission from the
Government had illegally dugged the land and transported sand,
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 DISTRICT MAGISTRATE CUM
JUDICIAL MAGISTRATE, VALANGAIMAN

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.13741/2020

Date :04/09/2020

RVR 23/09/2020