

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.13744 of 2020

Sivanandham

... Petitioner

Vs.

State rep. By its

The Sub Inspector of Police,
Moolanur Police Station,
Tiruppur District.

(Cr. No.583 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.583 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

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 Section 379 IPC
in Crime No.583 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that during a vehicle checkup,
the de-facto complainant has found that vehicle viz., EICHER bearing
Registration No.TN-29-M-1175, loaded with river sand bags.
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
petitioner without obtaining any permission from the Government
dugged 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 JUDICIAL MAGISTRATE, सत्यमेव जयते
DHARAMPURAM, TIRUPPUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

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

CRL OP.13744/2020

Date :04/09/2020