

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.13943 of 2020

M.Govindan

... Petitioner/ Accused Rank not known

Vs.

The State Represented by,
The Inspector of Police,
Sriperumbudur Police Station,
Kanchipuram District.
(Crime No. 2303 of 2020)

...Respondent /Complainant

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No. 2303 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mr. M. Mohammed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 430, 379 of IPC r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.2303 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 & A2 have illegally transported half unit of savudu sand by using lorry without any valid license and that the petitioner is the owner of the lorry. 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 and that 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 half unit. 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.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/-

08/09/2020

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,
SRIPERUMBUDUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHIPURAM DISTRICT

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

CRL OP.13943/2020

Date :08/09/2020

RVR 24/09/2020