

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15092 of 2020

Sunnapugunta Kumar

... Petitioner

Vs.

State by,

The Inspector of Police,
F2-Sipcot Police Station,
Thiruvallur District.
Crime No.1769 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.1769 of 2020 on the file of the Inspector of Police, F2-Sipcot Police Station, Thiruvallur District on his appearance before the concerned Court.

For Petitioner : Mr.S.Sasikumar

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 alleged offences punishable under Sections 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1769 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had transported river sand illegally in his Lorry without obtaining proper license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is the owner of the said Lorry and without his knowledge the Lorry was used for transportation of sand. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted 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 being 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. Hence, 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/-

25/09/2020

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 MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMIDIPOONDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
F2 SIPCOT POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges
Sr.6478

CRL OP.15092/2020

Date :25/09/2020

RVR 06/10/2020