

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15557 of 2020

Viji @ Vijayakumar

... Petitioner

Vs.

The State rep. By,

... Respondent

The Inspector of Police,
Padalam Police Station,
Kancheepuram District.

(Crime No.836 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of his arrest by the respondent police in Crime No.836 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(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, 430 IPC r/w Sec.21 (1) of MM (D & R) Act in Crime No.836 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 ½ unit of river sand by using tractor 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. 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 quarrying 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/-

05/10/2020

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,
NO.I, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.15557/2020

Date :05/10/2020

TA-12/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>