

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 17026 of 2020

Arumugam

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.
[Crime No.624 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No. 624 of 2020, on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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 offence punishable under Section 379 of IPC, in Crime No. 624 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution is that on 26.09.2020, at about 04.00 hours, when the defacto complainant and his subordinates were conducting routine vehicle checkup at Pochampalli Taluk, Pochampalli to Kallavi Road (Sipcot Road) near M.G.M. School, he had intercepted one Tipper Lorry bearing Registration No.TN-24-AR-7837 and on search, the petitioner was found illegally transporting nine cubic meters of sand without any valid license by using Tipper Lorry. Hence, the complaint.

3 The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the

4 The learned Additional Public Prosecutor submitted that the quantity of sand involved in this case is nine cubic meters. He further submits that the petitioner without obtaining any permission from the Government had illegally dug 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 CrI.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/-

29/10/2020

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 INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+ CC to M/S.E.KANNADASAN Advocate on payment of necessary charges
SR.No.7100

CRL OP.17026/2020

Date :29/10/2020