

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.16942 of 2020

N.Tamilselvan

... Petitioner/Accused

Versus

The State represented by ... Respondent/Complainant
The Inspector of Police,
Harithuvaramangalam Police Station,
Tiruvarur District.
Crime No. 401 of 2020

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 401 of 2020 on the file of the respondent police.

For Petitioner : M/s.A.Yamuna
for Mr.G.Arun

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 27.09.2020 for the offences punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals [Regulation and Development] Act, 1957, in Crime No.401 of 2020, seeks bail.

2 The case of the prosecution is that on 27.09.2020, at about 05.00 a.m., the petitioner had committed the theft of savudu sand in Patta Land in Survey No. 243/5 by using JCB vehicle without any proper licence or permission. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged in the prosecution. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that without any permission and license from the competent authority, the petitioner had removed sand from the Patta land in Survey No.243/5 by using JCB vehicle and

therefore, a case has been registered against him.

5 Heard the learned counsels and perused the materials placed on record.

6 Taking into consideration of the fact that a JCB machine has been recovered and the petitioner has been arrested from the place of occurrence, since this Court had already given so many directions that no one should dig natural resources like river sand or savudu sand or other things and despite that, the people are doing the same thing with connivance of the police people and also revenue people and that a Division Bench of this Court has already passed stringent orders and has also made queries that how many cases have been registered against the officials concerned? considering the serious nature of the offence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
22/10/2020

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,
HARITHUVARAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM.

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

CRL OP.16942/2020

Date :22/10/2020

TA-02/11/2020