

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16933 of 2020

1.Vadivel

2.Kannan

3.Sampathkumar

... Petitioners

Vs.

State rep. by its
The Inspector of Police
Kolathur Police Station,
Salem District.
Crime No.489/2020

... Respondent

Prayer :- This Criminal Original Petition is filed under Section 438 Cr.P.C. praying to enlarge the petitioners on bail in the event of their arrest in Crime No.489 of 2020 on the file of the Inspector of Police, Kolathur Police Station, Salem District.

For Petitioners : Mr.M.Senthilkumar

For Respondent : Mr.T.P.Savitha
Government Advocate

ORDER

(Heard through Video Conferencing)

This Criminal Original Petition has been filed seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.489 of 2020 on the file of the Inspector of Police, Kolathur Police Station, Salem District.

2. Heard learned counsel for the petitioner and learned Government Advocate appearing for the respondent.

3. The case of the petitioners is that the first and second petitioners are the drivers and the third petitioner is the owner of the vehicle (JCB Engine N.H00115120) chase No.HAR 3DXSSH01895879. The case has been registered against the petitioners for the offence under Sections 379 and 511 of IPC r/w 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. According to the petitioners, they were only removing the ordinary sand from the Survey No.584/3 which is the patta land of one Ramayee wife of Perumal and the officials have falsely implicated them for transporting minerals illegally.

4. From the F.I.R., it is seen that the vehicle has been found preparing ordinary sand for illegal transportation, without proper permit and license.

5. Since the gravity of offence exploited the natural resources without proper permit and license and in view of the calamity caused by indiscriminating exploitation, this Court held that Anticipatory Bail cannot be granted, following the dictum of this Court, in “*Bala @ Balasubramani Vs. State of Tamil Nadu*” reported in 2020(2) *Law Weekly Criminal* 528. Accordingly, this Criminal Original Petition is dismissed.

22.10.2020

sni/sbn

Index: Yes/No

To

1.The Inspector of Police
Kolathur Police Station,
Salem District.

2.Principal Sessions Judge (Special Court)
Salem.

3.The Public Prosecutor
Madras High Court,
Chennai – 600104.

Dr.G.JAYACHANDRAN.J.,

sni/sbn



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