

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.16907 of 2020

Murugan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Eravanchery Police Station.
(Crime No. 748 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Crime No.748 of 2020 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Deepakkumar

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

O R D E R

The petitioner who was arrested and remanded to judicial custody on 26.09.2020 for the offence punishable under Sections 430 & 379 of IPC and Section 21(1) of the Mines & Minerals (Development & Regulation) Act, 1997, in Crime No.748 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons were digging the earth upto 10 feet depth, 7 feet width and 20 feet length at the Mananallanur Thirumalairajan River and committed theft of river sand in JCB vehicle without proper license or permission. Hence, the present complaint is lodged as against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working as a driver at Karnataka, due to COVID-19 situation he can't go back to work. On this circumstance to his livelihood, he had taken the JCB on rent and digged sand only for purpose to make brick to the 1st accused house construction. The petitioner is a law abiding citizen and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submitted that there are totally three accused in this case. The petitioner is arrayed as A3. He further submitted that the petitioner along with other accused persons were digging the earth upto 10 feet depth, 7

feet width and 20 feet length at the Mananallanur Thirumalairajan River and committed theft of river sand in JCB vehicle without proper license or permission and the investigation is not completed and if the accused is released on bail, he will tamper the witnesses and involve in similar offence. He further submitted that A1 and A2 were absconding. Hence, he vehemently opposed the grant of bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsel and the fact that 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 OFFICER INCHARGE,
SUB JAIL, NAGAPATTINAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,

CC to M/S.C.DEEPAKKUMAR Advocate on payment of necessary charges

CRL OP.16907/2020

Date :22/10/2020

RVR 04/11/2020