

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16957 of 2020

1.Kanthan
2.Ramachandran
3.Rajendiran
4.Murugan

... Petitioners

Vs.

The State Represented by,
The Sub Inspector of Police,
Valapandal P.S.
Vellore Distrcit.
(Crime No.56/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.56 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.A.Manikkaraj

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 430 and 379 of IPC, in Crime No.56 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners had transported the river sand illegally in his bullock carts without obtaining proper license. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the petitioners 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 petitioners.

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 CrI.O.P.No.13334 of 2020 etc., batch dated 03.09.2020, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

28/10/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE SUB-INSPECTOR OF POLICE,
VALAPANDAL P.S,
VELLORE DISTRICT.

CC to M/S.A.MANIKKARAJ Advocate on payment of necessary charges

CRL OP.16957/2020

Date :28/10/2020

RVR 06/11/2020