IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.17102 of 2020

T.Elumlai ... Petitioner

Vs.

The Sub-Inspector of Police
G-10, Anaicut Police Station
Kancheepuram District ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.618 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.K.S.Gandhi

For Respondent : Mr.M.Mohammad Riyaz
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 & 430 IPC r/w 21(1) of the Mines and Minerals (Development & Regulation Act, 1957, in Crime No.618 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 02.09.2020, when the Inspector of Police along with his police party was on patrol duty, the petitioner was found illegally transporting odakai sand. 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 petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner without obtaining any permission from the Government had illegally transported odakai sand, thereby degraded the environment and caused damages to the ecology. Hence he vehemently opposed for the grant of anticipatory bail to the petitioner.

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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 Crl. OP 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/-
02/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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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,
G-10, ANAICUT POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. T.K.S.GANDHI Advocate on payment of necessary charges

CRL OP.17102/2020

Date :02/11/2020

MK:06/11/2020

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