

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17246 of 2020

1.K.Radhakrishnan

... Petitioners/Accused

2.S.Ilaiyaraja

Vs.

State rep.by

... Respondent/Complainant

The Sub Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.

[Crime No.651 of 2020]

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.651 of 2020, on the file of the respondent police.

For Petitioners : Mr.K.V.Srikharan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under **Sections 379 & 430 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957**, in Crime No.651 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., A.Murugesan, is that on the 16.10.2020, when he along with his police party was on routine checkup, the petitioners were found illegally transporting half of river sand by using Tractor . Hence, the complaint.

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

4 The learned Additional Public Prosecutor submitted that the quantity of sand involved in this case is half unit. He further submits 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 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 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/-

04/11/2020

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 SUB INSPECTOR OF POLICE,
KUMARATCHI POLICE STATION,
CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.V.SRIDHARAN Advocate on payment of necessary charges SR.NO.7256

CRL OP.17246/2020

Date :04/11/2020

TA-10/11/2020

<https://hcservices.ecourts.gov.in/hcservices/>