

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

CORAM

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.17432 of 2020

P.Raman

...Petitioner

- Vs. -

State rep. by
Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.
(Crime No.1483 of 2020)

...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.1483 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

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 279, 337,
379 of IPC and 21(1) of Mines and Minerals (Development and
Regulation) Act, 1957 in Crime No.1483 of 2020, seeks anticipatory
bail.

2. The case of the prosecution is that on 28.10.2020, the de
facto complainant along with his aunty went to his relative's home by
two wheeler and at that time, the petitioner who had illegally
transported sand by using Swaraj Mazda van bearing registration
TN-7 L-3361 had driven the vehicle in a rash and negligent manner and
hit them and ran away from the scene of occurrence. 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 appearing for the respondent submitted that the petitioner without obtaining any permission from the Government had illegally transported sand, thereby degraded the environment and caused damages to the ecology. Further, he had driven the sand laden vehicle in a rash and negligent manner and dashed the defacto complainant's two wheeler and ran away from the scene of occurrence. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

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. Further, in this case the accused had driven the illegal sand laden vehicle in a rash and negligent manner dashed the victim and caused injuries to them and ran away. 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. 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/-

06/11/2020

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 INSPECTOR OF POLICE,
THIRUVARUR TALUK POLICE STATION,
THIRUVARUR DISTRICT.

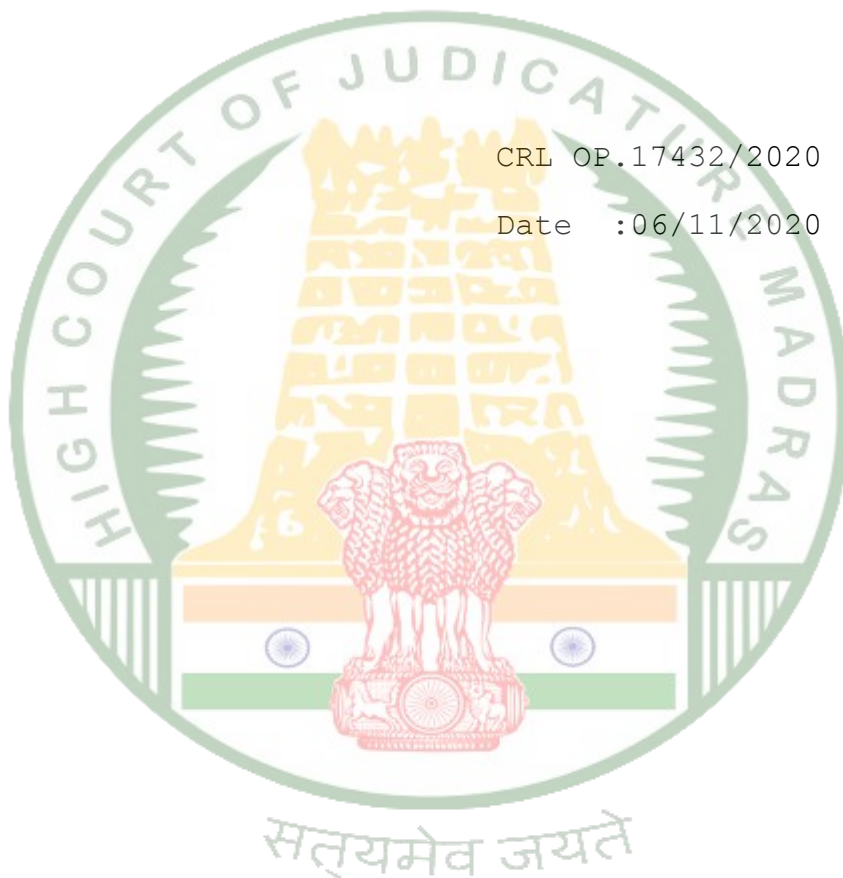
2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

CRL OP.17432/2020

Date :06/11/2020

cs 23/11/2020



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