

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.11.2020

CORAM

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

CRL.O.P.No.17453 of 2020

1. Sivanantham @ Siva  
2. Murugadoss @ Sivakumar

... Petitioners

Vs.

State represented by  
The Inspector of Police,  
Kumaratchi Police Station,  
Cuddalore District.  
(Cr.No.650 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.650 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Pugazhenthir

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 apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379, 430 of IPC r/w. 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.650 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 illegally transported 1/2 unit of river sand without any valid permission. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

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 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. OP 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/-

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,  
KUMARATCHI POLICE STATION,  
CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.G.PUGAZHENTHI Advocate on payment of necessary charges

CRL OP.17453/2020

Date :06/11/2020