

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2020

CORAM

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

Cr1.O.P.No.17383 of 2020

1. K. Chinnasamy @ K. Chinnusamy

2. C. Illayaraja

... Petitioners

Vs.

State represented by

The Inspector Of Police,

Gangavalli Police Station,

Gangavalli Taluk, Salem District.

(Cr.No.387 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 his arrest in Crime No.387 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.S. Ambigapathi

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 offence punishable under Section 379 of IPC in Crime No.947 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners have illegally transported river sand without any permission from the Government. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioner has 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 petitioner without obtaining any permission from the Government had illegally dug the land and transported river sand, thereby degraded the environment and caused damages to the ecology. 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. 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/-
05/11/2020

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 JUDICIAL MAGISTRATE NO.II,
ATTUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

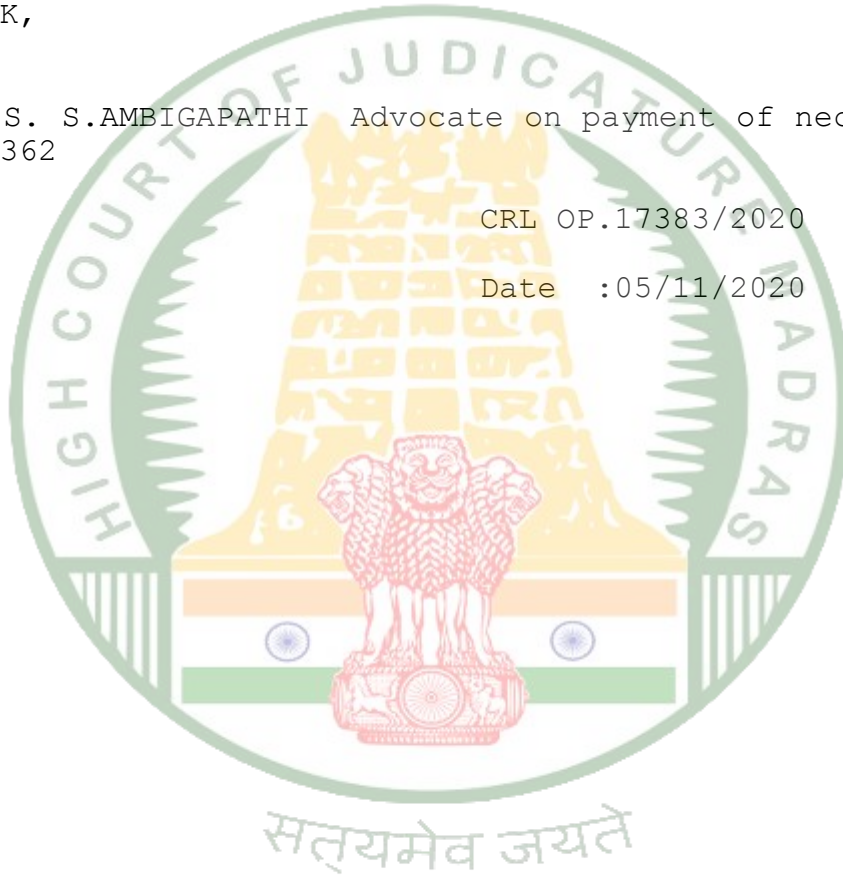
3 THE INSPECTOR OF POLICE,
GENGAVALLI POLICE STATION,
GENGAVALLI TALUK,
SALEM DISTRICT

+1CC to M/S. S.AMBIGAPATHI Advocate on payment of necessary
charges SR NO.7362

CRL OP.17383/2020

Date :05/11/2020

MK:19/11/2020



WEB COPY