

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.12.2020

CORAM

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

Cr1.O.P.No.18352 of 2020

1.Abilash
2.Gunasekar

... Petitioners

Vs.

State represented by
The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
(Cr.No.1090 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.1090 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Vengatesan

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 Sections 430, 379 of IPC and r/w. 21(1) Mains and Minerals Act, in Crime No.1090 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, the Inspector of Police is that on 01.11.2020, while he was on his usual rounds, he had seen that the accused have without any permission from the Government, dug and taken sand. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners without permission from the Government, had dug the land and taken sand and 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 these type of cases are impacting large Magnitude and the petitioners are misusing the discretionary of this Court and continues with the offences affecting the environment and ecology.

6. 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/-
11/12/2020

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.I,
CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NELLIKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

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

CRL OP.18352/2020

Date :11/12/2020

MK:16/12/2020