

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19144 of 2020

K.Vinoth

... Petitioner

Versus

State rep.by Inspector of Police,  
Manalmedu Police Station,  
Nagapattinam District.  
(Crime No.1108 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.1108 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.P.Vijendran

For Respondent : Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.1108 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on secret information, the respondent/Police found the petitioner had transported 10 cement bags of river sand illegally by using a two wheeler bearing Registration No.TN-82-C-7095, without having any permission. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that he has been working abroad and he was in no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent police submits that the petitioner was found in possession of 10 bags of river sand and the petitioner has committed

theft of sand by using two wheeler. Thereafter, a case has also been registered against the petitioner. Hence, he vehemently opposed granting 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 Crl. 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/-  
08/12/2020

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, MAYILADUTHURAI
- 2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 3 THE INSPECTOR OF POLICE,  
MANALMEDU POLICE STATION, NAGAPATTINAM DIST.

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

CRL OP.19144/2020  
Date :08/12/2020

GKS:06/01/2021