

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19449 of 2020

M.Ravi

.. Petitioner

vs.

The State rep. by
The Inspector of Police,
Kolathur Police Station,
Salem District.

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.470 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Subash

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 at the hands of the respondent police for the alleged offences under Sections 379 of IPC and 21(1) of MMDR Act, in Crime No.470 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Sasikumar, Assistant Director of Salem Zonal Flying Squad is that on 23.09.2020, the petitioner was found to carry M-Sand violating the order passed by the Hon'ble High Court in WP.No.5081 of 2009 and was found to carry M-sand beyond the jurisdiction.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner, without any permission from the Government, was found to be in illegal possession of M-Sand against the Rules and thereby, degraded the environment and caused damages to the ecology. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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 Crl.O.P No.13334 of 2020 etc. Batch dated 03.09.2020, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

18/12/2020

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 INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.19449/2020

Date :18/12/2020

MK:22/01/2021