

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2020

CORAM

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

CrI.O.P.No.19494 of 2020

Kotishwaran

... Petitioner

Vs.

State represented by

The Inspector of Police,
Ambur Town Police Station,
Tirupattur District.
(Cr.No.1840 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.1840 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.Karan

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 offence punishable under Sections 397, 430 of IPC and r/w.21(1), 21(4) of Mines and Minerals Development and Regulation Act 1957, in Crime No.1840 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, the Inspector of Police is that on 01.10.2020, while he was on his usual rounds, he had seen that the accused had without any permission from the Government, dug and taken sand. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner 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 petitioner.

5. This court is of the opinion that these type of cases are impacting large Magnitude and the petitioner is 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. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
10/12/2020

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 ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
AMBUR TOWN POLICE STATION,
TIRUPATTUR DISTRICT.

CC to M/S.KARAN AND UDAY Advocate on payment of necessary charges

CRL OP.19494/2020

Date :10/12/2020

MK:15/12/2020