



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/11/2020

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PRESENT

The Hon`ble **Mr.Justice S.M.SUBRAMANIAM**

CRL OP(MD). No.12574 of 2020

1. Poomayil
2. Muneeswari ... Petitioners/Accused Nos.10 & 11
Vs

State represented by
The Inspector of Police,
Vilathikulam Police Station,
Vilathikulam, Thoothukudi District.
(In Crime No.232 of 2020) ... Respondent/Complainant

For Petitioner : Mr.P.Jeyasankar,
Advocate.
For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No.232 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who arrayed as accused Nos.10 and 11 apprehending arrest at the hands of the respondent police for the offence punishable under section 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.232 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case is registered against the petitioners under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. The defacto complainant is the Village Administrative Officer, Subramaniapuram, Vilathikulam Group. The allegations against the petitioners are that they have involved in sand theft and their vehicles bearing Registration Nos.TN67 BX 8700 and TN 67BX 8658 had involved in sand theft, which was seized during the routine check up at Vilathikulam, Thoothukudi Main Road. Totally 11 accused, out of which, 7 accused were already arrested and remained in judicial custody and four accused are absconding.



3. Offences in relation to the mines and minerals are the offences against the society at large. The mines and minerals belong to our great Nation. Every citizen of this country has got a right to enjoy the benefit of nature without damaging the ecology and environment. Illegal mining would cause greater damage to the earth and to the humanity. Thus, the offences against the earth by committing illegal mining and minerals should be viewed seriously. Such offenders are to be prosecuted by properly collecting evidence by the police personnel. The respondent is expected to be cautious, prudent and efficient in prosecuting such offenders, as offences of mines and minerals would cause greater damage to the future generation and further causing greater financial loss and implications to the Nation itself.

4. A trend of looting the mines and minerals are developing fastly to such an extent on account of the greediness of few people who have involved in such offence. Such greedy people are to be dealt with iron hands and there cannot be any leniency and misplaced sympathy. No one can think it is after all a sand, when the fact remains that quarrying of the mine sand and other minerals would cause damage to the ecology of the earth itself. It will not only change the atmosphere and the well being of the human being but also causes greater loss to the society at large. Several aspects are to be looked into while considering bail for these kind of offenders. Lastly these people are habitual offenders and only on some occasions, cases are registered and on several occasions they are fleeing and they are not prosecuted by the officials. There is an official nexus with these kinds of offenders. Large scale allegations are prevailing in the public domain that many police officials, revenue officials and other department officials are colluding with these sand mafia and allowing them to mine these sand and therefore, Court cannot show any leniency on them. This apart, those officials, who are all involving in corrupt activities with the sand mafia, are also to be prosecuted and the Hon'ble Division Bench of this Court passed an order that once the repeating offenders are booked under the Goonda Act, those officials are also to be booked under the Goonda Act. The Government has also issued orders to that effect.

5. This being the seriousness to be adopted in the case of sand mining in illegal mining, which is causing greater damage to the ecology and environment, the Courts are bound to adopt a strict approach in granting anticipatory bail.

6. In the present case, out of 11 accused, 7 accused alone are arrested and 4 accused are absconding. Probably, the respondent is not taking serious action in arresting other four accused persons. Under these circumstances, the respondent police is directed to expedite the investigation and arrest all other accused and proceed with the case as expeditiously as possible and without causing any



7. In this view of the matter, the petitioners are not entitled for anticipatory bail and consequently, the Criminal Original Petition stands dismissed.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12574 of 2020
Date : 09/11/2020

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AE/SMA/SAR-III (18.11.2020) 3P 3C