

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.177 of 2021

T.Elumalai
S/o.Thanusu

....Petitioner/Accused

Vs.

The Sub-Inspector of Police
G-10, Anaicut Police Station
Kancheepuram District
Crime No.618 of 2020

....Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.618 of 2020 on the file of the respondent police.

For Petitioner : No Appearance

For Respondent : Mr.C.Iyyapa Raj
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 379 & 430 IPC r/w 21(1) of the Mines and Minerals (Development & Regulation Act, 1957), in Crime No.618 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, the Village Administrative Officer, Thondamanallur Village, Cheiyur Taluk, Chengalpet District, is that is that on 02.09.2020 at about 11 a.m., when the defacto complainant was on usual rounds, the accused had driven a Tractor and when it was intercepted and checked, the accused was found illegally transporting sand taken from a river stream and on seeing the defacto complainant, the accused had left the Tractor bearing

Regn.No.TN16 A 6648 and had ran away from the scene of occurrence. Thereby, the Tractor and Trailer were seized and produced before the respondent police. Thereby, the complaint.

3. This is second application for anticipatory bail and there is no representation for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found illegally transporting one unit of river sand in a Tractor and on seeing the defacto complainant, he had left the vehicle and absconded from the scene of occurrence.

5. This Court on the earlier occasion in Crl.O.P.No.17102 of 2020 dated 02.11.2020, following the orders passed by this Court in a batch of applications in Crl.O.P.No.13334 of 2020 dated 03.09.2020 had dismissed the earlier application expressing 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 and that finding that the case comes under the category of cases of large magnitude affecting and impacting livelihood of a very large number of people knowingly and unknowingly, had dismissed the earlier application. Subsequently, the order of this Court in Crl.O.P.No.13334 of 2020 and Batch etc. dated 03.09.2020 was clarified by the Hon'ble Supreme Court and the Hon'ble Supreme Court had not agreed with the broad sweep of the observation made by this Court in Paragraph 27 of the order in Crl.O.P.No.13334 of 2020 and connected matters decided on 03.09.2020 and had directed that the role assigned to the person would have to be considered on case to case basis.

6. Accordingly, this Court takes into consideration, the role assigned to the petitioner in the present case. In this case on hand, the role assigned to the petitioner is that on the date of occurrence, the Village Administrative Officer was conducting regular inspection and he had found the petitioner illegally transporting one unit of river sand in the vehicle and on seeing the Village Administrative Officer, the petitioner had left the vehicle with the sand and ran away. This is a case where the petitioner had illegally dug and removed river sand affecting the environment and society at large, therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

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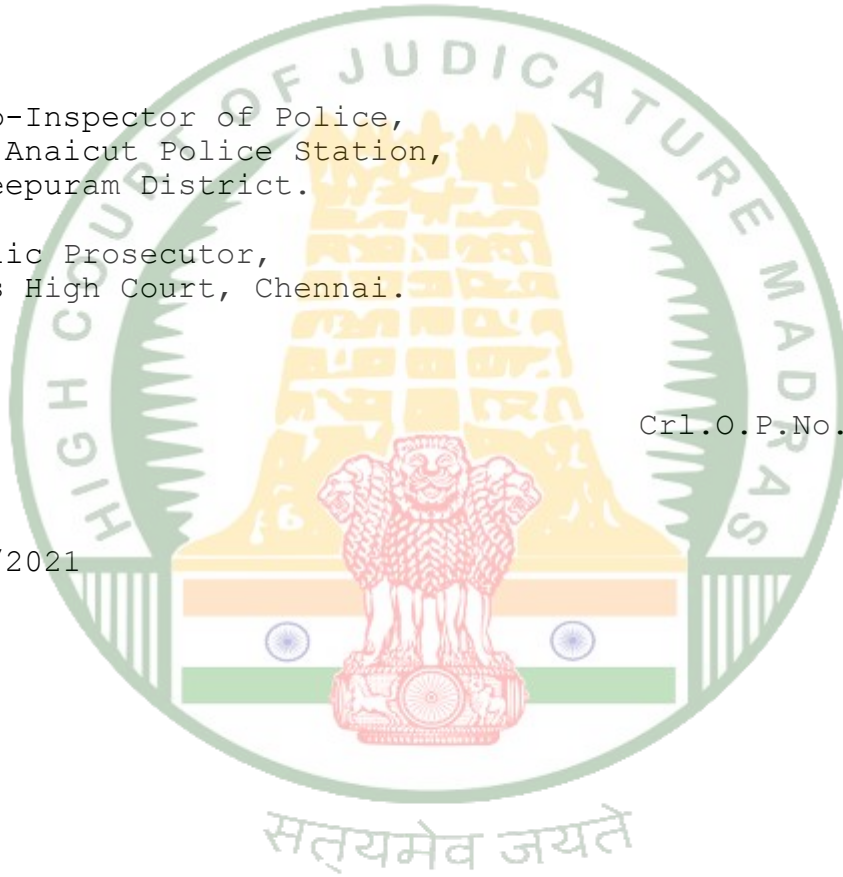
Sub Assistant Registrar

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To

1. The Sub-Inspector of Police,
G-10, Anaicut Police Station,
Kancheepuram District.
- 2.The Public Prosecutor,
Madras High Court, Chennai.

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