

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.03.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI. O.P.No.3907 of 2021

Suresh

.. Petitioner

Vs.

State Represented by
The Inspector of Police,
Sankari Police Station,
Salem District.
(Crime No.615 of 2020)

.. Respondent

Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police concerned in Crime No.615 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mrs.S.Thankira
Government Advocate (CrI.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC r/w Section 3(1) of Prevention of Damage to Public Property Act, 1984 in

Crime No.615 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

3. The Government Advocate (Crl. Side) would submit that the petitioner without obtaining any permission from the Government had illegally transported 3 unit of gravel sand, thereby degraded the environment and caused damage to the ecology. Hence, she vehemently opposed to grant anticipatory bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent police.

5. It is seen that the petitioner has involved in depleting the natural resources of the country by illegal means. In spite of several actions taken by the Police, these kind of offences have been committed repeatedly again and again. The possibility of the petitioner and the like minded persons released on bail committing the same kind of offence again and again cannot be ruled out. 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 CrI. OP No.13334 of 2020 etc. Batch, dated 03.09.2020 and as there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

Mra

08.03.2021

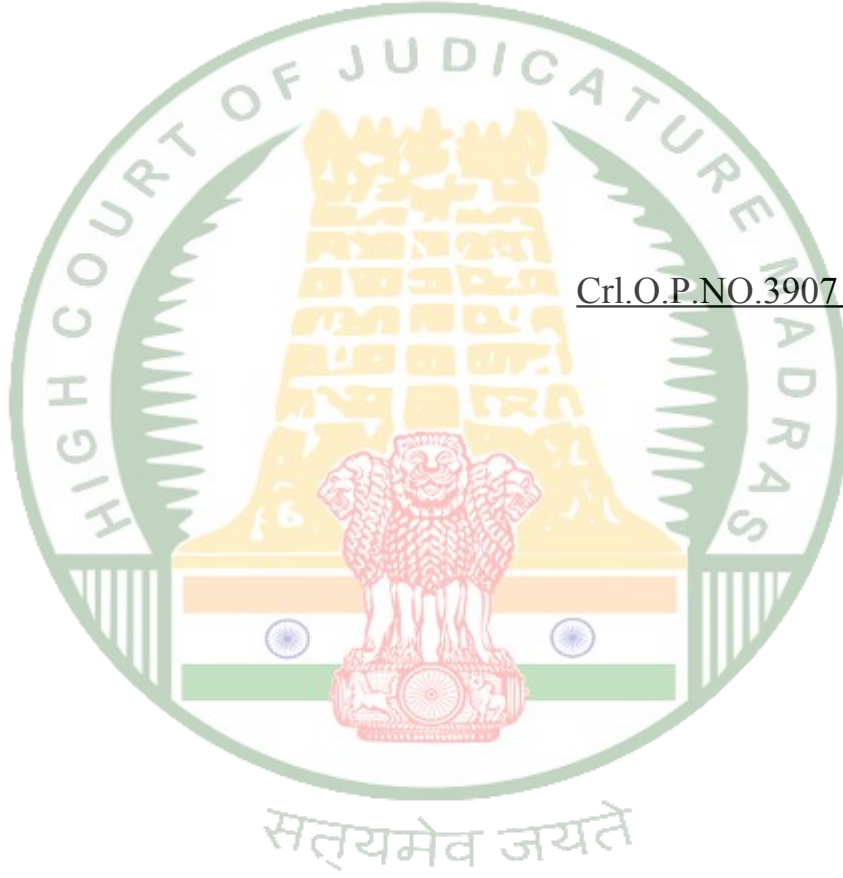
To

- 1.The Judicial Magistrate No.1, Sankari.
- 2.The Inspector of Police, Sankari Police Station, Salem District.
3. The Public Prosecutor High Court of Madras.

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G.CHANDRASEKHARAN,J.

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