

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2021

CORAM

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.756 of 2021

Prakasam

... Petitioner

Vs.

State represented by
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
(Cr.No.147 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.147 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Sathish Kumar

For Respondent : Mr.S.Karthikeyan
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 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.147 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.03.2020, while the Inspector of Police attached to the respondent was on a regular patrol, he found that the petitioner and another accused were illegally transporting one unit of river sand in a Tractor bearing Registration No.TN 23 CX 0167 without any permission from the Government. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the Tractor and on the date of occurrence, the petitioner's tractor was driven by the driver in his agricultural land to prepare the land for cultivation and at that time, the tractor was seized. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner and another accused without permission from the Government, had dug the land and taken sand and thereby degraded the

environment and caused damages to the ecology. The petitioner is involved in two previous cases. 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 CrI.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/-

22/01/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,
VELLORE.

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

CRL OP.756/2021

Date :22/01/2021

RVR 04/02/2021