

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.1110 of 2021

1.Sathish Kumar
2.Arul

...Petitioners

Vs.

State Rep. By
The Inspector of Police
Arni Taluk Police Station
Tiruvannamalai District

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.416 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.L.Venkatesan

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offence punishable under Sections 379 and
430 IPC and 21(5) of the Mines and Minerals (Development & Regulation
Act, 1957, in Crime No.416 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 06.04.2020, when the
Inspector of Police along with his police party was on patrol duty,
the petitioners were found illegally transporting one unit of river
sand by using van bearing Regn.No.TN20 CE 6014. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocent and they have been falsely implicated in
this case. He would further submit that this is the second
application for anticipatory bail and the earlier application was
dismissed by this Court in Crl.O.P.No.16898 of 2020 by order dated
02.11.2020. Hence, he prays for grant of anticipatory bail to the
petitioners.

4. The learned Additional Public Prosecutor submitted that the
petitioners without obtaining any permission from the Government had
illegally dug the land and had transported 1 unit of river sand,
thereby degraded the environment and caused damages to the ecology.

He would further submit that there is no previous case against the petitioners. However, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. This Court on the earlier occasion in Crl.O.P.No.16898 of 2020 by order 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 Court should take into consideration the role assigned to the person 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 petitioners that they have committed theft and transported 1 unit of river sand without any valid permit and commercially exploited the natural resources by using Poclone and Excavator. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

01/02/2021

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.

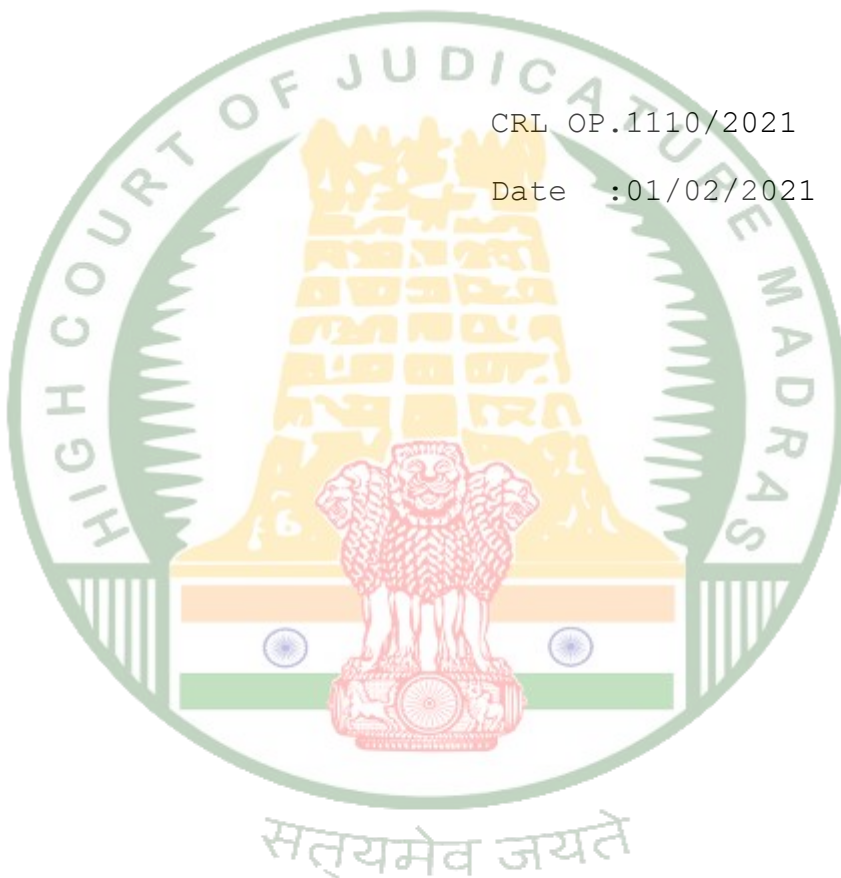
2 THE INSPECTOR OF POLICE
ARNI TALUK POLICE STATION,
TIRUVANAMALAI DISTRICT.

CC to M/S. S.L.VENKATESAN Advocate on payment of necessary
charges

CRL OP.1110/2021

Date :01/02/2021

RVR 18/02/2021



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