

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.01.2021

CORAM

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1143 of 2021

Hari @ Hariharan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur District.
(Cr.No.2541 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.2541 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(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, in Crime No.2541 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.11.2020, based on the complaint given by the V.A.O, while the Inspector of Police attached to the respondent was on a regular patrol, he found that the petitioner and two other accused were illegally transporting half unit of river sand in a vehicle viz., Bolero Pick up bearing Registration No.TN 99 J 4214 without any permission from the Government. Hence, the complaint.

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

4.The learned Additional Public Prosecutor submitted that

the petitioner and other 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 one previous case. 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 Crl.O.P.No.13334 of 2020 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/-

27/01/2021

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 INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S N.PALANIVEL Advocate on payment of necessary charges

WEB COPY

CRL OP.1143/2021

Date :27/01/2021

MN-05/02/2021