

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3916 of 2021

Bala Govindan

... Petitioner

Versus

State rep.by Respondent

The Inspector of Police,
Mannargudi Town Police Station,
Mannargudi,
Tiruvarur District.
Crime No.111/2020.

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.111 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Section 379 of IPC r/w Section 21(1) of the Tamil Nadu Mines and Minerals (Development & Regulation) Act, in Crime No.111 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Karthik, Tahsildhar, Mannargudi, is that on 26.02.2020 at about 2 p.m. the petitioner was found illegally transporting two units of Savudu Sand taken from the river bed without any valid permission. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that this is the application of anticipatory bail and the earlier application was dismissed by this Court in Crl.O.P.No.19227 of 2020 on 08.12.2020 following the order passed by this Court in a batch of applications in

Crl.O.P.No.13334 of 2020 dated 03.09.2020. Hence, he seeks for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the petitioner without obtaining any permission from the Government had illegally transported two units of Savudu Sand taken from the river. He would submit that the petitioner who is the owner of the vehicle and the driver who is arrayed as A1 are absconding. Hence he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. This Court on the earlier occasion in Crl.O.P.No.19227 of 2020 by order dated 08.12.2020, 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 petitioner who is the owner of the vehicle along with other accused has committed theft of two units of Savudu Sand from the river bed and transported the same without any valid permit of licence from the Government and thereby, commercially exploited the natural resources. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
01/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
MANNARGUDI,
TIRUVARUR DISTRICT.

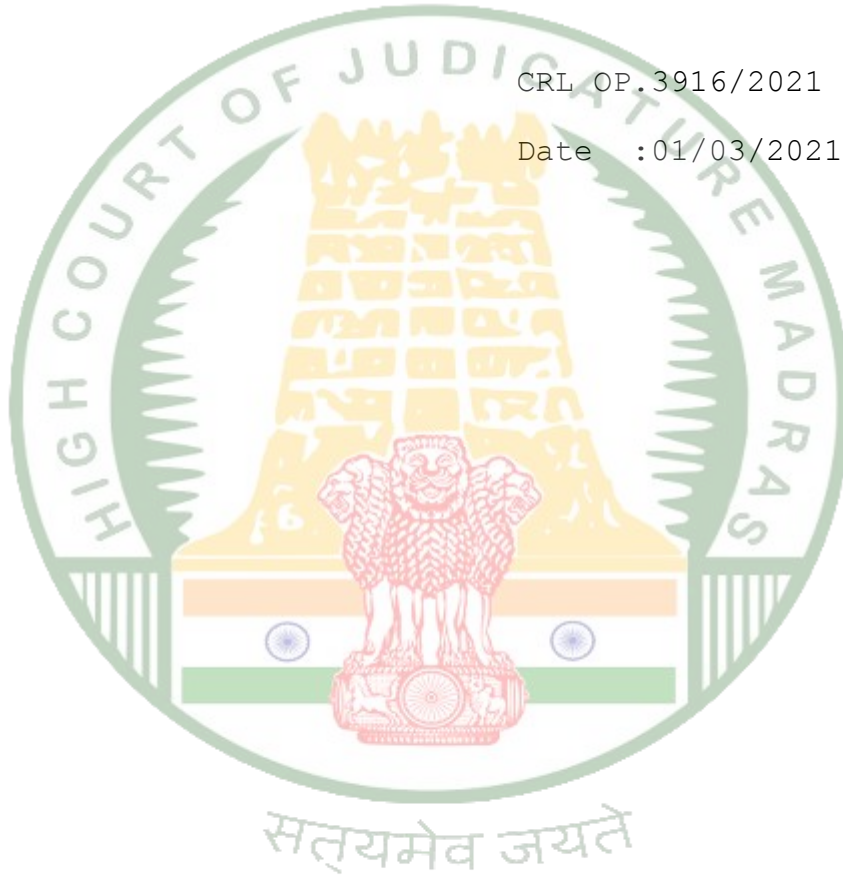
2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.3916/2021

Date :01/03/2021

TA-11/03/2021



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