

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 02.02.2021
CORAM
THE HON'BLE Mr.JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No.1435 of 2021

Natarajan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Vaniyambodi Town Police Station
Vellore District.
(Cr.No.2129 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.2129 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.E. Kannadasan

For Respondent : Mr.C.Iyyappa Raj
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 21(1) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.2129 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had illegally transported half unit of sand without any permission from the Government. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.15951 of 2020 on 08.10.2020 based on the orders passed in Crl.O.P.No.13334 of 2020 etc. batch dated 03.09.202. Thereafter, the order was clarified and the Hon'ble Apex Court had directed that the case of the petitioner should be decided on case to case basis. Thereby, the present application for anticipatory

bail has been filed. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner without obtaining any permission from the Government, had illegally dugged the land and transported ½ unit of river sand and thereby degraded the environment and caused damages to the ecology. As far as the petitioner is concerned, he has got two previous cases of similar nature and in this case also, the contraband which has been illegally transported is a river sand. 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.15951 of 2020 dated 08.10.2020, 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 has been 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 has committed theft and transported half unit of river sand without any valid permit. Further, it is seen that the petitioner is a habitual offender and 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, has repeatedly indulged 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. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
02/02/2021

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.

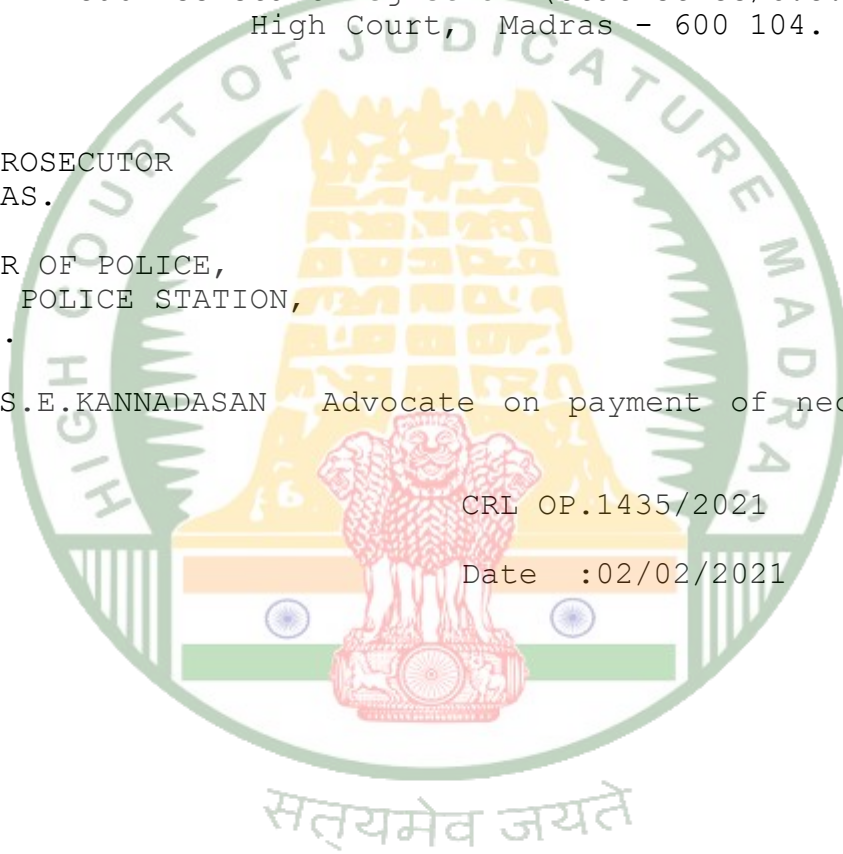
2 THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.1435/2021

Date :02/02/2021

MK:09/02/2021



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