

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.02.2021

CORAM

THE HON'BLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.1614 of 2021

1. Thirupathi  
S/o Ramamoorthi

2. Gopi  
S/o Ramamoorthi

... Petitioners

Vs.

State represented by  
The Inspector Of Police,  
Kandili Police Station,  
Vellore District  
(Cr.No.865 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.865 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.R. Parthiban

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

**ORDER**

(The 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, 430, 294(b), 353 and 307 IPC and r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.865 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Dinakaran, Village Administrative Officere, Sundarampalli Village, Tirupattur Taluk, is that on 07.09.2020 when he along with the Revenue Inspector, Kandili and others was conducting vehicle check up, they found a JCB and a tractor bearing Regn.No.TN 83 R 7812 transporting sand without any valid permit from the Government. When they attempted to seize the tractor, the petitioners abused them in filthy language and also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents 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.15511 of 2020 by order dated 01.10.2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners without obtaining any permission from the Government had illegally dug the land and had transported one unit of sand, thereby degraded the environment and caused damages to the ecology. He would further submit that when the defacto complainant and his party had attempted to seize the vehicle, the petitioners have restrained them from discharging their duties and abused them in filthy language and also threatened them with dire consequences. He would submit that there is no change in circumstances after the dismissal of the earlier application. 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.15511 of 2020 dated 01.10.2020, 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 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.

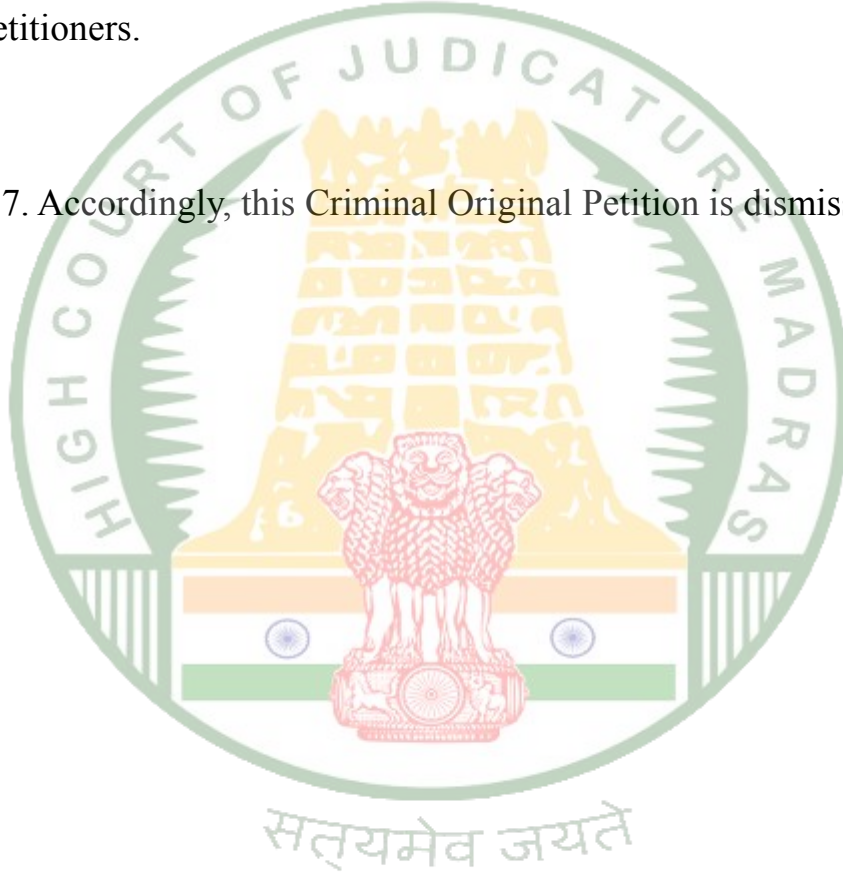
6. Accordingly, this Court takes into consideration, the role assigned to the petitioners in the present case. In this case on hand, the role assigned to the petitioners is that they are the owners of the JCB and the tractor and that they have committed theft of sand and transported the same without any valid permit from the Government. Further, they have restrained the defacto

complainant/Village Administrative Officer and his party from discharging their duties and abused them in filthy language and also threatened them with dire consequences and that there is no change in circumstances after the dismissal of the earlier application. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

08.02.2021

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A.D.JAGADISH CHANDIRA, J.

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To

1.The Inspector Of Police,  
Kandli Police Station,  
Coimbatore District

2.The Public Prosecutor  
High Court of Madras



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