

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2021

CORAM

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

Crl.O.P.No.4629 of 2021

Settu

... Petitioner

Vs.

State represented by
The Inspector Of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
(Cr.No.714 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.714 of 2020 pending investigation on the file of the respondent police.

For Respondent : Mr.T.Shunmuga Rajeshwaran
Government Advocate (Crl. Side)

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 and Section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.714 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. On earlier occasion i.e.18.03.2021, Mr.J.Muthukumaran, learned Counsel would submit that the petitioner had taken vakkalath from him and thereby, this Court directed the Registry to print the name of the petitioner and his name is printed, however, today i.e. 22.03.2021, there is no representation for the petitioner.

3. The case of the prosecution as per the defacto complainant/ Mr.Jayakumar, Special Sub-Inspector of Police, Thirupattur Taluk P.S., is that on 14.07.2020, on information that certain persons were indulging in sand theft, and thereby causing damage to the environment, the defacto complainant along with his police party was keeping a watch and when they intercepted a Tractor bearing Regn.No.TN 23 BK 6468, it was found to contain 1 unit of river sand without any valid permission and on seeing the Police, the driver of the Tractor had run away leaving the Tractor. Later, the driver was identified as Settu S/o.Thanigasalam, Hence, the complaint.

4.The learned Additional Public Prosecutor submitted that the petitioner was found transporting one unit of river sand without any valid permission from the Government thereby degraded the environment and caused damages to the ecology. He would submit that the earlier application in Crl.O.P.No.14348 of 2020 filed by the petitioner seeking for anticipatory bail was dismissed by this Court on 15.09.2020 following the orders passed by this Court in Crl.O.P.No.13334 of 2020 etc. Batch dated 03.09.2020 and 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.14348 of 2020 by order dated 15.09.2020, 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, it is seen that the petitioner has committed theft of one unit of river sand and transported the same by using Tractor and thereby, caused damage to the environment and 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 petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
22/03/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
TIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPATTUR TALUK POLICE STATION,
TIRUPATTUR DISTRICT.

CC to M/S.J.MUTHUKUMARAN, Advocate on payment of necessary
charges

CRL OP.4629/2021

Date :22/03/2021

TA-01/04/2021



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