

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2021

CORAM

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

Crl.O.P.No.5346 of 2021

Ramachandran

... Petitioner

Vs.

State rep by
The Station House Officer,
Oragadam Police Station,
Kancheepuram District,
Crime No.478 of 2019.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.478 of 2019 pending on the file of the respondent.

For Petitioner : Mr.P.Prince Prem Kumar

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 alleged offences punishable under Sections 379 and 430 of IPC r/w 21(1) of Mines and Minerals (Development and Regulations) Act 1957, in Crime No.478 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vijayakanth, Sub Inspector of Police, Oragadam P.S. is on 16.12.2019 at 10 a.m., on a specific information, he along with police party was conducting vehicle check up. At that time two lorries bearing Regn.No.TN23 AA 7377 and TN47 AH 2764 were found parked in a suspicious manner and on search, the lorry bearing Regn.No.TN23 AA 7377 was found to contain 8 units of river sand and the other lorry bearing Regn.No. TN47 AH 2764 was found to contain 1 unit of river sand. On enquiry it was found that one Sridhar S/o.Munirathinam, Vellore is the owner of the lorry bearing Regn.No.TN23 AA 7377 and one Ramachandran S/o.Govindasamy, Karasangal / the petitioner herein is the owner of the lorry bearing Regn.No. TN47 AH 2764. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case for statistical purpose. He would further submit that this is the second application for anticipatory bail and the earlier application was dismissed by this Court vide CrI.O.P.No.13099 of 2020 by order dated 27.08.2021. Hence, he would pray for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused was found transporting 9 units of river sand illegally by using two lorries and the petitioner is the owner of one of the lorry bearing Registration No.TN47AH2764 which was found to contain one unit of river sand without any valid license. He further submitted that the petitioner has got two previous cases of similar nature in Crime No.438 of 2019 and Crime No.358 of 2020 on the file of the Somangalam P.S. He would further submit that the earlier application in CrI.O.P.No.13099 of 2020 filed by the petitioner seeking for anticipatory bail was dismissed by this Court on 27.08.2020 following the orders passed by this Court in CrI.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 CrI.O.P.No.13099 of 2020 by order dated 27.08.2020, following the orders passed by this Court in a batch of applications in CrI.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 CrI.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 CrI.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 along with other accused has transported 9 units of river sand without any license by using two lorries. The petitioner is the owner of one of the lorry involved in this case which was found to contain 1 unit of river sand. Further, the petitioner has got two previous cases of similar nature and there is no change in circumstances after the dismissal of the earlier application, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
24/03/2021

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 JUDICIAL MAGISTRATE,
SRIPERUMBUDHUR, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
ORAGADAM POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.P.PRINCE PREM KUMAR Advocate on payment of necessary charges

CRL OP.5346/2021

Date :24/03/2021

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MN-15/04/2021