

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.5330 of 2021

Sivanandham

... Petitioner

Vs.

The Sub Inspector of Police,
Moolanur Police Station,
Tiruppur District.
(Cr. No.583 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.583 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 379 IPC in
Crime No.583 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/
Kanagarajan, Tahsildhar, Dharapuram Taluk is that, on 27.05.2020 at
about 11 p.m. when the defacto complainant along with other official
was conducting vehicle check up, an EICHER lorry bearing Registration
No.TN-29-M-1175 was found transporting river sand bags illegally taken
from Amaravathy River. Hence, the complaint was registered and the
vehicle was seized.

3. The learned counsel for the petitioner would submit that the
petitioner is the owner of the lorry and he has not committed any
offence as alleged by the prosecution. He would submit that this the
second application for anticipatory bail and the earlier application
was dismissed by this Court vide Crl.O.P.No.No.13744 of 2020 by order
dated 04.09.2020. Hence, he prays for grant of anticipatory bail to
the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the
petitioner's lorry bearing Regn.No.TN29 M 1175 was found to be

illegally transporting river sand bags taken from Amaravathy River without any valid license and thereby degraded the environment and caused damages to the ecology. He would further submit that the earlier application in Crl.O.P.No.13744 of 2020 filed by the petitioner seeking for anticipatory bail was dismissed by this Court on 04.09.2020 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.13744 of 2020 by order dated 04.09.2020, 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 is the owner of the lorry bearing Regn.No.TN29 M 1175 which was found to be transporting bags of river sand taken from Amaravathy River 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,
DHARAPURAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

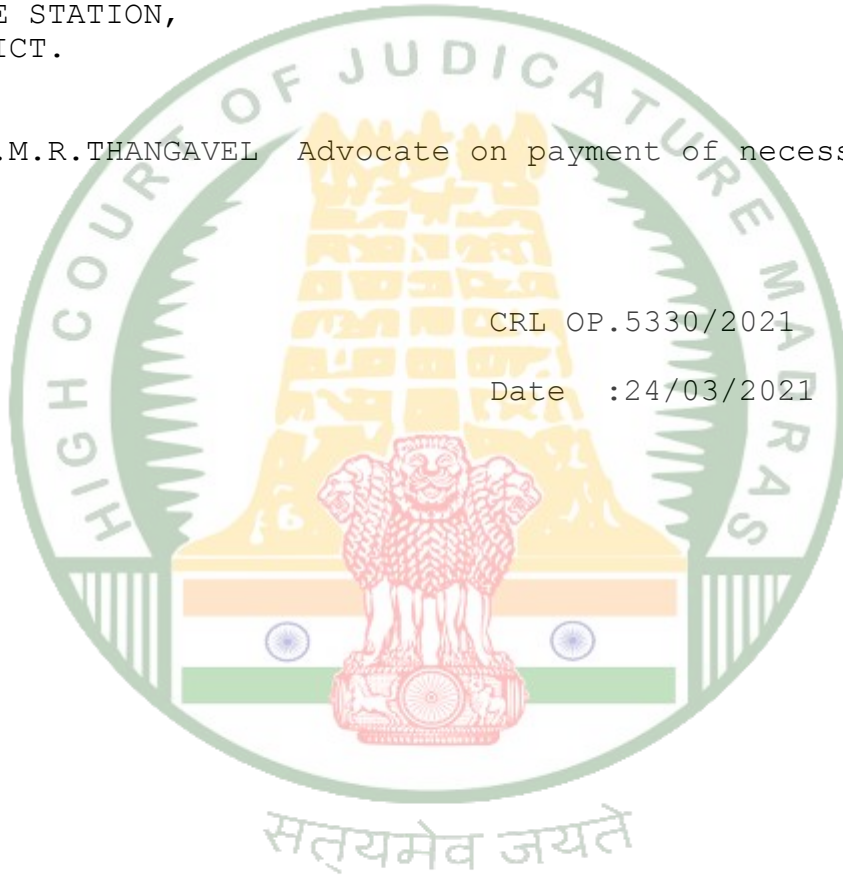
4 THE SUB-INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.M.R.THANGAVEL Advocate on payment of necessary charges

CRL OP.5330/2021

Date :24/03/2021

MN-09/04/2021



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