

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6867 of 2021

1 R.SELVAM

2 G.MATHIYALAGAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KANDAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.120/2021)

[RESPONDENT]

For Petitioner : M/S.G.TAMILSELVAN Advocate

For Respondent : M/S.P.KRITIKA KAMAL, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 379, 430 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.120 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in illegal transportation of 1 unit of river sand.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case.

4.The learned Government Advocate would submit that the petitioners without obtaining any permission from the Government, had illegally dugged the land and transported sand, thereby degraded the environment and caused damages to the ecology and further submitted that there are four previous cases pending against the petitioners.

5.This Court is of the opinion that the offenders, despite several orders being passed by various Benches of this Court regarding illegal sand mining and quarrying 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. These cases come within the category of cases of large magnitude affecting and impacting livelihood of a very large number of people knowingly and unknowingly.

6.This Court finds that the discretionary power has been consciously and continuously misused by the offenders in an organised manner and this Court is of the firm opinion that the discretionary powers cannot be extended to persons indulging in illegal sand mining, smuggling and theft of sand and minerals.

7.Hence, this Court is not inclined to grant anticipatory bail to the petitioner. This criminal original petition is accordingly dismissed.

-sd/-
15/04/2021

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 INSPECTOR OF POLICE,
KANDAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, CHENNAI-104.

CC to M/S.G.TAMILSELVAN Advocate on payment of necessary charges

CRL OP.6867/2021

Date :15/04/2021

RG.04.05.2021