

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.6942 of 2021

MARUTHADURAI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR DISTRICT.

[RESPONDENT]

For Petitioner : M/S. ILAYARAJA KANDASAMY Advocate

For Respondent : M/S.KRITIKA KAMALAL
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC and 21(i), 21(iv) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.202 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal transportation of 1-1/2 units of river sand.

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

4.The learned Government Advocate would submit that the petitioner 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. Hence, she vehemently opposed for the grant of anticipatory bail to the petitioner.

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,
ARIYALUR POLICE STATION, ARIYALUR DISTRICT.
- 2.THE PUBLIC PROSECUTOR
HIGH COURT, CHENNAI-104

CC to M/S. ILAYARAJA KANDASAMY Advocate on payment of necessary charges

CRL OP.6942/2021

Date :15/04/2021

RG.03.05.2021