



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twentieth day of April Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN
CRIMINAL ORIGINAL PETITION No.7392 of 2021

DHAYALAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE SUB-INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CRIME NO.222 OF 2021.

For Petitioner : M/S. B.S.MANIKANDAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, 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 offences punishable under Sections 379 and 430 of IPC read with Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 & Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.222 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner being the owner of JCB was alleged to have been transported dam sand illegally without obtaining proper license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the JCB and he is hiring the same for demolition works. The said vehicle was also seized by the respondent police which was the only source of income for the petitioner's family. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted 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, he 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, in view of the order passed by this Court in Crl.O.P.No.13334 of 2020 etc., batch dated 03.09.2020, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

20/04/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUB-INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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CC to M/S. B.S.MANIKANDAN Advocate on payment of necessary
charges

CRL OP.7392/2021

Date :20/04/2021

RVR 24/06/2021