

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8264 of 2021

1.Murali,

S/o.Rajendran Muruvan

2.Venkatesan,

S/o.Govindaraj

3.Parthiban,

S/o.Elumalai

.... Petitioners

Vs.

State rep.by,

The Inspector of Police,

Brammadesam Police Station,

Villupuram District.

Crime No.1283 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of arrest in connection with the Crime No.1283 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.L.Charles Premkumar

Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.1283 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 29.08.2020, while the respondent Police along with the Revenue Inspector searched a quarry in Marakanam Taluk, Namakkal Village, had found the first accused / Sivanandam and the petitioners herein were quarrying succulent stones by using rock breaker machine, after expiry of the license period. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that this is the 2nd application for anticipatory bail and the earlier application was dismissed by this Court in Crl.O.P.No.14202 of 2020 vide order dated 14.09.2020 in view of the order passed by this Court in Crl.O.P.No.13334 of 2020 etc. Batch dated 03.09.2020. He would submit that the petitioners are only drivers of the machines used for quarrying and they were not aware of the fact that the license for quarrying had been expired. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate would submit that the petitioners had quarried the succulent stones by using rock breaking machine, Tractor bearing Regn.No.TDX 5914, Tata Hitachi bearing Machine SL.No.THEDAOLOH00000272 and JS 140 Rock Breaker Machine after expiry of the license period and thereby, commercially exploited and caused damages to the environment. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. This Court on the earlier occasion in Crl.O.P.No.14202 of 2020 by order dated 14.09.2020, 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 petitioners in the present case. In this case on hand, it is seen that the petitioners by falsely using license which has already expired, have quarried succulent stones by using rock breaker machines and thereby, cheated the

Government and commercially exploited the natural resources. Hence, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
30/04/2021

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,
BRAMMADESAM POLICE STATION,
VILLUPURAM DISTRICT.
- 2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS

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

सत्यमेव जयते

CRL OP.8264/2021

Date :30/04/2021

srg 24/06/2021

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