

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.10062 of 2021

G.KALAIYARASAN

[PETITIONER /4TH ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KARIYAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.175/2021

For Petitioner : M/S.J.JAWAHAR Advocate

For Respondent : MR. A.GOPINATH, GOVERNMENT ADVOCATE (CrI. 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, 294(b), 341, 353, 307 of IPC r/w 21(1) Mines & Minerals (Development and Regulation) Act, 1957 in Crime No.175 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons were involved in illegal transportation of 3/4 unit of river sand by using lorry. Hence, the vehicle's driver was arrested and the said vehicle was also seized and at that time, one Sakthivel/owner of the tractor and 3 unidentified persons stopped the tractor and they abused the defacto complainant with obscene words and tried to kill the defacto complainant by dousing him with petrol and setting fire on him and also on the tractor. Thereafter, they escaped from the scene of occurrence. Hence, a case has been registered.

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

4. The learned Government Advocate (Crl.Side) submits that the petitioner along with other accused persons have illegally transported one unit of river sand by using lorry. Hence, the driver of the vehicle was arrested and the said vehicle also seized and at that time, one Sakthivel/owner of the tractor and 3 unidentified persons stopped the tractor and they abused the defacto complainant with obscene words and tried to kill the defacto complainant by dousing with petrol and setting fire on him and also on the tractor . Thereafter, they escaped from the scene of occurrence. Hence he opposed to grant anticipatory bail to the petitioner.

5. The illegal quarrying of river sand is creating ecological imbalance and inspite of the best efforts taken by the respective District administration and also a slew of directions issued by this Court, including taking severe action against the offenders, the illegal quarrying is rampantly increasing. In the case on hand, not only the sand has been quarried illegally, but the defacto complainant was attempted to be done away with by the owner of the lorry along with his henchmen. Due to the above said act of the owner of the lorry, the offence owner of the lorry has been charged u/s 307 IPC as well. Considering the gravity of the offence and also the act of the petitioner in the illegal quarrying of sand, this Court is of the opinion that the accused in such of these cases do not deserve any sympathy at the hands of this Court, lest there would be large scale environmental degradation caused by these persons. In the above circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6. For the reasons aforesaid, this Criminal Original Petition is dismissed.

-sd/-

18/06/2021

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

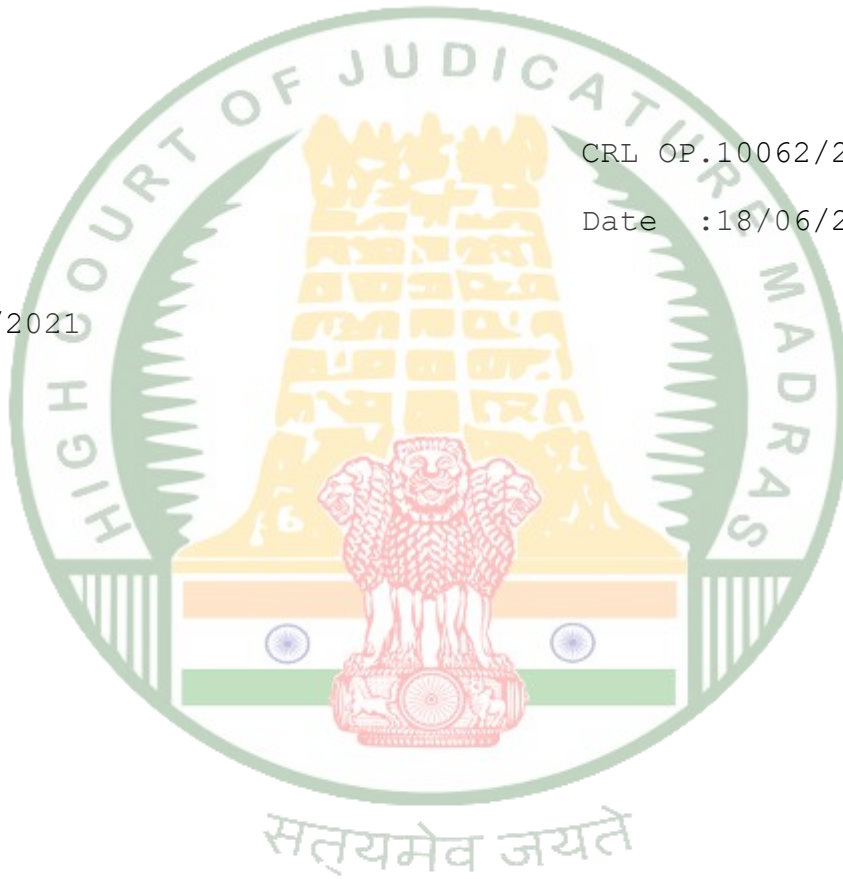
- 1 THE INSPECTOR OF POLICE,
KARIYAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.
- 2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.J.JAWAHAR Advocate on payment of necessary charges

CRL OP.10062/2021

Date :18/06/2021

SRG 28/06/2021



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