



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12847 of 2021

THANGARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT
(CRIME NO.372/2021)

[RESPONDENT]

For Petitioner : M/S J.BHARATHI RAJA Advocate

For Respondent : MR.C.E.PRATAP Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 10.07.2021 for the alleged offence under Section 379 of I.P.C. r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.372 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have been involved in illegal transportation of 1 unit 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 submitted 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 and further submitted that there are two previous cases as against 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 bail to the petitioner. This criminal original petition is accordingly dismissed.

-sd/-

26/07/2021

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,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12847/2021

Date :26/07/2021

APN 02/08/2021