



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14332 of 2021

BALATHANDAYUTHAPANI @ BALAMANI

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.
CR.NO.535 OF 2021.

[RESPONDENT]

For Petitioner : M/S. R.CHAKKARAVARTHY Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was voluntarily surrendered on 28.07.2021 and remanded to judicial custody for the alleged offences punishable under Sections 430 379 of IPC, in Crime No.535 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally transported 1/4 unit of river sand by using Bullock Cart, without obtaining proper license. Hence, the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submitted that the petitioner without obtaining any permission from the Government, had illegally dug the land and transported sand, thereby degraded the environment and caused damage to ecology. He further submits that there are eleven previous cases pending as against the petitioner and he is a history sheeter. Hence, he vehemently opposed for the grant of bail to the petitioner.



5. This Court gave its careful consideration to the submissions advanced by the learned counsel on either side.

6. Despite several orders having been passed by various Benches of this Court regarding illegal sand mining and quarrying, knowing fully well about the evil consequences which affects the environment and society at large and the implications thereon, due to the above said illegal acts on the environment, persons are still indulging in illegal quarrying/mining of sand, thereby causing great damage to the ecological balance of the environment. Cases of this nature is not only of large magnitude affecting environment, but it also leads to impacting the livelihood of the large number of people in the vicinity of the area.

7. This Court finds that the discretionary power of grant of bail 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 such repetitive illegal sand mining, smuggling and theft of sand and minerals.

8. In view of the above position and also in view of the orders passed by this Court in Crl.O.P.No.13334 of 2020 etc., batch dated 03.09.2020 and considering the fact that there are eleven previous cases pending as against the petitioner who is a history sheeter, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

16/08/2021

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,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE
SUB JAIL, NANNILAM.

CC to M/S. R.CHAKKARAVARTHY Advocate on payment of necessary charges

CRL OP.14332/2021

Date :16/08/2021