



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15613 of 2021

OVIYAM @ M.AZHAGU OVIYAM

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PONNERI POLICE STATION,
TIRUVALLUR DISTRICT.
(CRIME NO. 505 OF 2021)

[RESPONDENT]

For Petitioner : M/S. SYED NIZAMUDDIN AHMED HUSSAINI Advocate

For Respondent : M/S. A.GOPINATH, 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, 430 of IPC, in Crime No.505 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 stealing river sand illegally by using lorry , 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 anticipatory bail.

4. The learned Government Advocate (Crl.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 damages to ecology. He further submitted that there are 11 previous cases pending as against the petitioner. Hence, he vehemently opposed for the grant of anticipatory bail to the



petitioner.

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

WEB COPY

6. This Court is of the opinion that, 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 reporting and 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 sand area.

7. This Court finds that the discretionary power of grant of anticipatory 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 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 there are 11 previous cases pending as against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

01/09/2021

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,
PONNERI POLICE STATION,
TIRUVALLUR DISTRICT.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. SYED NIZAMUDDIN AHMED HUSSAINI Advocate on payment of
necessary charges

CRL OP.15613/2021

Date :01/09/2021

APN 27/09/2021