



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.17276 of 2021

SAMPATH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SUNGUVACHATTRAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CR. NO.399/2021

[RESPONDENT]

For Petitioner : M/S.T.ARUL 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 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 430, 379 of I.P.C. r/w.21(1) of Mines and Minerals Development and Regulation Act, 1957, 3(i) of TNPPD Act, 1992 in Cr.No.399 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have been involved in illegal transportation of 3 units of river sand through Tractor.

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.

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 anticipatory bail to the petitioner. This criminal original petition is accordingly dismissed.

-sd/-
20/09/2021

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,
SUNGUVACHATTRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.T.ARUL Advocate on payment of necessary charges
SR.NO.10291

CRL OP.17276/2021

Date :20/09/2021

INBA 22/09/2021