



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

Thursday, the Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.23115 of 2021

RAVIKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY THE
THE INSPECTOR OF POLICE,
KATPADI POLICE STATION,
KATPADI, VELLORE DISTRICT
(CRIME NO.258 OF 2021)

[RESPONDENT]

For Petitioner : M/S. G.VINODHKUMAR Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Section 379, 430 of IPC r/w 21(1) of Mines and Minerals (Development & Regulations) Act 1957, 1957 in Crime No.258 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is involved in illegal transportation of 1 unit of river sand in a Ashok Leyland Dost Mini lorry bearing Registration No. TN-23-CT-3291 without obtaining any permission from the concerned authorities. Hence the complaint.

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. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor 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 six previous cases pending 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.

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, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

02/12/2021

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,
KATPADI POLICE STATION,
KATPADI,
VELLORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. G.VINODHKUMAR Advocate on payment of necessary
charges

CRL OP.23115/2021

Date :02/12/2021

RVR 15/12/2021