



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.22160 of 2021

1 GANDHI @ KARUNAMOORTHY [PETITIONERS / ACCUSED]
2 VIMAL @ RAJARATHINAM VIMAL
3 BOOPATHI
4 ANNADURAI
5 PERIYASAMY
6 MURUGAN @ MURUGARAJ
7 SAMPATH @ SAMPATH KUMAR
8 MUNIYAPPAN @ MUNIYAPPA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PULIAMPATTI POLICE STATION,
ERODE DISTRICT.
(CRIME NO.398/2021)

For Petitioner : M/S K.MYILSAMY Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Section 379 of IPC, 1957, in Crime No.398 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are involved in illegal transportation of 250 units of river sand. Hence the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) submits that the petitioners have illegally transported 250 units of river sand without any valid permit.



4. A perusal of the materials reveal that the petitioner was apprehended with 250 units of river sand, which was being transported without any permit. That being the case, the illegal lifting and transportation of sand has been deprecated by this court in various decisions, keeping in mind the need for maintaining the ecological balance and the conservation of water table in the locality, as held by the Hon'ble Supreme Court, giving any leniency to the petitioners by granting anticipatory bail would only lead to the petitioners perpetrating the offence once again and, therefore, in the fitness of things, this court is not inclined to accede to the prayer as sought for by the petitioners. Accordingly, the anticipatory bail sought for cannot be granted and this petition is dismissed.

-sd/-
24/11/2021

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,
PULIAMPATTI POLICE STATION,
ERODE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S K.MYILSAMY Advocate on payment of necessary charges

CRL OP.22160/2021

Date :24/11/2021

CSK 29/11/2021