



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.22828 of 2021

P.SRINIVASULU

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU

[RESPONDENT]

REPRESENTED BY,

THE INSPECTOR OF POLICE,

D-3, KANAKAMMA CHATRAM POLICE STATION,

TIRUVALLUR DISTRICT.

CRIME NO. 1974 OF 2020

For Petitioner : M/S.A.JACKULIN ELIZABETH Advocate

For Respondent : MR. S.BALAJI, 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 offence under Sections 379, 430 of I.P.C. and 21[1] of MM Act in Cr.No.1974 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal transportation of 1/2 unit of river sand using 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 (Criminal Side) would submit that 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.



He further submitted that earlier, the petitioner approached this Court by filing Crl.O.P.Nos.13588 and 15463 of 2021 and this Court dismissed the said petitions. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

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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.Further, that there is no change in circumstances subsequent to the order passed in Crl.O.P.Nos.13588 and 15463 of 2021. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. This criminal original petition is accordingly dismissed.

-sd/-

30/11/2021

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,
D-3, KANAKAMMA CHATRAM POLICE STATION,
TIRUVALLUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.JACKULIN ELIZABETH Advocate on payment of necessary charges

CRL OP.22828/2021

Date :30/11/2021

RW 08/12/2021