



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.22514 of 2021

RAVIKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIRUDAMPET POLICE STATION,
VELLORE DISTRICT.
(CRIME NO.367/2021)

[RESPONDENT]

For Petitioner : M/S G.NIRMAL KRISHNAN 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 petitioner who apprehends arrest for the alleged offence under Section 379 and 430 of IPC r/w.21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.367 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 6 units of river sand in a Ashok Leyland tipper lorry 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 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 eight 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 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 the investigation is at initial stage, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

26/11/2021

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,
VIRUDAMPET POLICE STATION,
VELLORE DISTRICT.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S G.NIRMAL KRISHNAN Advocate on payment of necessary
charges SR.NO.13576

CRL OP.22514/2021

Date :26/11/2021

CSK 03/12/2021