

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.23355 of 2021

1 GOPI @ GOPINATHAN
2 VINITH @ VINITHKUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.185 OF 2021)

[RESPONDENT]

For Petitioner : M/S.R.SASIKUMAR 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 at the hands of the respondent police for the alleged offence under Sections 430, 379 of IPC and Section 36(A) of Mines and Minerals (Development & Regulation) Act in Crime No.185 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons are involved in illegal transportation of 3 units of river sand in a lorry without obtaining any permission from the concerned authorities. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted 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) submitted that the petitioners 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 11 previous cases pending against the first petitioner and 7 previous cases pending against the second petitioner. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

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 CrI.O.P.No.13334 of 2020 etc., batch dated 03.09.2020 and also considering the previous cases pending against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
03/12/2021

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,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.23355/2021

Date :03/12/2021

CSK 15/12/2021