



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD). No.3975 of 2021

WEB COPY

Shanmugaiah

... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
Pulyankudi Police Station,
Tenkasi District.
in Cr.No.34/2021

... Respondent/Complainant

For Petitioner : Mr.Santhana Krishnan.P,
Advocate.

For Respondent : Mrs.R.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no. 34 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Section
379 of IPC and Section 21(1) of Tamil Nadu Mines and Minerals
(Development and Regulation) Act, 1957, in Crime No.34 of 2021,
seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused illegally transported $\frac{3}{4}$ unit of sand by using Tractor
bearing registration No.TN-79 H 1283 and JCB bearing registration
No.TN28 AY 2010. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted
that the petitioner is an innocent and he did not commit any
offence as alleged by the prosecution. He further submitted that no
previous case is pending against the petitioner. He further
submitted that the sand was removed from the petitioner's land.

4.The learned Government Advocate(Crl.Side) appearing for the
respondent police strongly opposed this petition on the ground that
there is no material to show that the sand was removed from his own
land and the sand was illegally transported by the petitioner and
others, was a river sand.



5.As rightly pointed out by the learned Government Advocate (Crl. Side), there is no material to show that the sand was removed from the petitioner's own land. It is seen that illegal and indiscriminate sand mining has become a threat to the worldwide environment. It leads to changes in river channel form, physical habitats and food webs. It also increases the velocity of flow in river which destroy flow-regime eventually erodes the river banks. Removal of vegetation and destruction of the soil profile destroys habitat above and below the ground and faunal population decrease. Not only that, sand mining causes sinking of water tables in the nearby areas and as a result, ground water table drops leaving the drinking water wells on the embankments of these rivers dry.

6.This offence of illegal mining is not only an offence against any particular individual, but against the Society at large. It affects not only the present population, but the posterity as well. In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
17.04.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Inspector of Police,
Pulyankudi Police Station,
Tenkasi District..
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.3975 of 2021
Date : 17/04/2021