



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

Date : 19/04/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.4967 of 2021

1.S.Muthupandi

2.T.Velladurai

...Petitioners/Accused Nos.2 & 3

Vs

The State Rep. by
The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District
Cr.No.63 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Sankar.K,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

For Anticipatory Bail in Crime No.63 of 2021 on the file of the
respondent Police.

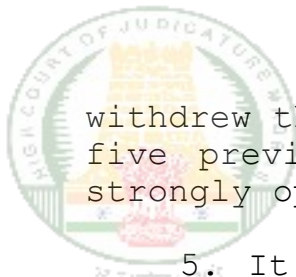
ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehending
arrest at the hands of the respondent police for the offence
punishable under Sections 379 IPC and Section 21(1) of Mines and
Minerals (Development and Regulation) Act, 1957, in Crime No.63 of
2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along
with other accused said to have illegally transported half unit of
river sand by using Tractor. Hence the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he did not commit any offence as alleged
by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that
this is the second anticipatory bail application. Earlier the
petitioner had filed a petition in Crl.O.P(MD)No.3484 of 2021 and
https://hcservices.mca.gov.in/hcservices



withdrew the same on 12.03.2021. He further submitted that there are five previous cases pending against the petitioners and hence he strongly opposed to grant anticipatory bail to the petitioners.

5. It is seen that the petitioners have five similar previous cases pending against them. 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 petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

19/04/2021

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

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, PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.4967 of 2021

Date : 19/04/2021