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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.4788 of 2021

Tharmaraj ... Petitioner/Sole Accused

Vs

State through
The Inspector of Police,
Aviur Police Station,
Virudhunagar District ,
Cr.No.30 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Malaikani.S.,
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.30 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.30 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner said to have illegally transported one unit of sand using Tipper Truck (Lorry) bearing registration No.TN-05 J 5036. 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) appearing for the respondent police strongly opposed this petition on the ground that one previous case is pending against the petitioner and now the case has been altered to Section 379 of IPC r/w.21(1) of Mines and Minerals (Development and Regulation) Act.



5. 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. Further one previous case of similar nature is pending against the petitioner. 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/-
15.04.2021

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

AAV

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,
Aviur Police Station, Virudhunagar District ,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.4788 of 2021

Date : 15/04/2021

VB/PN/SAR-I (20/04/2021) 2P / 3c

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