



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.4983 of 2021

Murugan

... Petitioner/Accused No.1

Vs

State represented by
The Sub Inspector of Police,
Silaiman Police Statin,
Madurai District
(Cr No.101/2021).

... Respondent/Complainant

For Petitioner : M/s.Venkatesan.R.,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no. 101 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 and Section 379 IPC in Crime No.101 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused illegally transported one and half unit of river sand by using TATA 407 vehicle bearing registration No.TN 58 CA 5442. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that river sand was illegally transported and the petitioner is having two previous cases in crime Nos. 162 of 2011 and 473 of 2019.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6. It is seen that the petitioner and other accused illegally transported one and half unit of river sand by using TATA 407 vehicle bearing registration No. TN 59 CA 5442. It is also seen from the submission of the learned Additional Public Prosecutor that the petitioner is having two previous cases. That apart, the offence involved in this case is not against the particular individual, but against the Society at large. In spite of several measures taken to protect the natural resources, petitioner and persons like him continue to indulge in illegal theft and transportation of river sand. This illegal mining greatly affects the biodiversity, the environment and ultimately the public. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
07.04.2021

/ TRUE COPY /

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

GNS

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 Sub Inspector of Police,
Silaiman Police Station,
Madurai District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP (MD) No. 4983 of 2021
Date : 07/04/2021