



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

Wednesday, the Seventh day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.4980 of 2021

1.Abdullah

2.Safiyullah ... Petitioners/Accused 1 & 2

Vs

The State Rep.by
The Inspector of Police,
Lalgudi Police Station,
Trichy District
Cr No. 218/2021.

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T.,
Advocate.

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

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

PRAYER :-

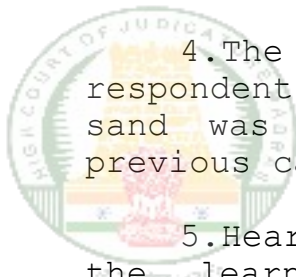
For Anticipatory Bail in Crime No.218 Of 2021 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Section
379 IPC in Crime No.218 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are found
in illegal possession of three unit of sand. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they did not commit any offence
as alleged by the prosecution. He further submitted that the
petitioners kept the sand for the purpose of construction of
compound wall and the same was taken from their own land. Hence, he
prayed for grant of anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that sand was illegally transported and the petitioners are having previous cases, which are similar in nature.

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

6.It is seen that the petitioners are found in illegal possession of three unit of sand. It is submitted by the petitioners' counsel that the sand was kept for the purpose of construction of compound wall. However, no approval for the construction of compound wall from the concerned Authority has been produced. That apart, the petitioners are having previous cases, which are similar in nature. 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, petitioners 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 petitioners. 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.

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

ORDER
IN
CRL OP(MD) No.4980 of 2021
Date :07/04/2021