



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

Date : 20/04/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.5090 of 2021

1. Murugan
2. Arumugam
3. Vijayaraja

... Petitioners/Accused Nos.1to3

Vs

The State rep. by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.23 of 2021).

... Respondent/Complainant

For Petitioners: Mr.Anandkumar.J., Advocate.

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Criminal Side)

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

PRAYER :- For Anticipatory Bail in Crime no. 23 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC and 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.23 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally transported one unit of river sand by using Tractor bearing Engine No.3100F62D8840 Chasis No.0604ZC88200/3 and bike bearing registration No.TN-65-AW-0661. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they did not commit any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police strongly opposed this petition on the ground that the first petitioner is having seven previous cases, out of which, five cases are sand theft, the second petitioner is having



four previous cases, out of which, three cases are sand theft and the third petitioner is having no previous case.

5.This is the second application and there is no change of circumstances to entertain this application. 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/-
20/04/2021

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/ /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,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.5090 of 2021
Date :20/04/2021

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