



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.5040 of 2021

Malaisami

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
Cr No. 139/2021

... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M.,
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. 139/2021 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
379 IPC r/w Section 21(1) of the Mines and Minerals (Development &
Regulation) Act in Crime No.139 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused persons illegally transported one unit of river sand. 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 one previous case on the file of the respondent police herein.

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 accused persons illegally transported one unit of river sand and the petitioner is having one previous case. 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

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

TO

- 1 THE INSPECTOR OF POLICE, THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5040 of 2021
Date :07/04/2021

MS/PN/SAR3/19.04.2021/2P/3C