



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

Date : 20/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5620 of 2021

WEB COPY

K.Ayyanar

... Petitioners/Accused No.3

Vs

The State rep by
The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.
(In Crime No.96 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Prithiviraj.C.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.96 of 2021 on the file of the respondent police.

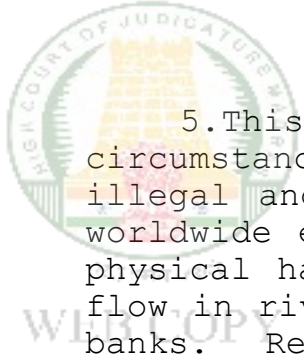
ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC and Sections 21(1) and 21(2) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.96 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused illegally transported river sand by using lorry bearing registration No.TN-49 CX 0451. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. He would also submit that no previous case is pending against the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police strongly opposed this petition on the ground that the vehicle and sand were seized on the spot and on seeing the search party headed by defacto complainant, the petitioner and other occupants escaped from the scene of crime.



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.

vsg

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,
Manamelkudi Police Station,
Pudukottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.5620 of 2021
Date : 20/04/2021