



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

Date : 30/04/2021

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.6204 of 2021

WEB COPY

1. Thamarai Selvan

2. Veerasekar

... Petitioners/Accused No.1 & 2

Vs

The State Rep by
The Inspector of Police,
Thiruppulani Police Station,
Ramanathapuram District.
(Crime No.107 of 2021)

... Respondent/Complainant

For Petitioners: Mr.J.Vishnu,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.107 of 2021 on the file of the respondent police

ORDER: The Court made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 511 of IPC (Sand theft) and Section 21(1) of the Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.107 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 24.04.2021, at about 12.30 p.m., when the respondent police were on routine rounds, the petitioners illegally transported half unit of river sand by using the vehicle, JCB bearing Registration No.TN-41-AE-2019 with one Tractor-Trailor. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent they did not commit any offence as alleged by the prosecution.

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. 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/-

30/04/2021

/ TRUE COPY /

/ /2021

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

SM

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

ORDER

IN

CRL OP (MD) No.6204 of 2021

Date:30/04/2021