



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

Date : 02/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8202 of 2021

1. Ali
2. Manimaran ... Petitioners/Accused Rank 1 to 2

Vs

State Rep. by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
Crime No.14 of 2021. ... Respondent/Complainant

For Petitioners : Mr.Vishnu.J,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.14 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC r/w.21(1) of Mines and Minerals Development and Regulation Act, 1957, in Crime No.14 of 2021, seek anticipatory bail.

2.The case of the prosecution is that when the respondent police were engaged in preventing offences relating to mines and minerals on 05.01.2021 the accused in this case is said to have illegally transported 1 ½ unit of river sand in a vehicle bearing Reg. No. TN 50 V 6169 near the panchayat office at Thiruchitrampalam. On seeing the police the accused stopped the vehicle and escaped, therefore the case came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated



4. The learned Government Advocate(Crl.Side) opposed the bail petition on the ground that the investigation is not yet completed.

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 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/-
02/07/2021

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

ORDER
IN
CRL OP(MD) No.8202 of 2021
Date :02/07/2021

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JM/AKM/SAR III/06.07.2021/2P/3C

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