



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9581 of 2021

Murugavel ... Petitioners/Accused No.3

Vs

State rep.by its
The Inspector of Police,
Woraiyur Police Station,
Tricy Ciry,
Trichy District.
(Crime No.489 of 2021).

... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar,
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.489 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, 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.489 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 10.07.2021 at about 14.00 hrs near Kasivilangi bridge the respondent police found a Bolero Maxi Truck Vehicle bearing Reg.No. TN 57 AH 2237, on seeing the police the driver escaped from there. The police apprehended Manoj Kumar and Naveen and found $\frac{3}{4}$ of the tractor with river sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he 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 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 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. Investigation is not completed in this case. 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/-

20/07/2021

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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,
WORAIYUR POLICE STATION,
TRICHY DISTRICT.

2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9581 of 2021

Date :20/07/2021

AAV

RT/JC/SAR-I/27.07.2021/2P/3C

<https://hcservices.ecourts.gov.in/hcservices/>