



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

Date : 28/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD. No.10023 of 2021

Ranjith

... Petitioner/Accused No.2

Vs

The State Rep. by,
The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur District.
(Crime No. 1395 of 2021).

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan, 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.1395 of 2021 on the file of the Respondent Police.

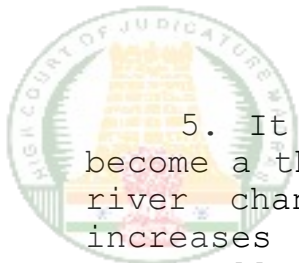
ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.1395 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 09.07.2021, the respondent police found near Irattai Pillaiyar temple corner, a TATA ACE vehicle came from north to south bearing regn. No.TN-50-Y-2142 with one unit river sand. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he did not commit any offence as alleged by the prosecution. He further submitted that this petitioner is a student and therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police strongly opposed this petition on the ground that investigation is pending and this is a case of illegal theft and transportation of river sand.



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 an preliminary stage. 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/-
28/07/2021

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

ORDER
IN
CRL OP(MD) No.10023 of 2021
Date :28/07/2021