



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5964 of 2022

S. DHANAPAL

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
VELUR POLICE STATION (L AND O),
NAMAKKAL DISTRICT.
CRIME NO.392 of 2021

[RESPONDENT]

For Petitioner : M/S.V.JAYALAKSHMI Advocate

For Respondent : MR.S.UDAYA KUMAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 379 of IPC, in Crime No.392 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were involved in illegal transportation of four units of river sand by using lorry bearing Regn.No.TN-69-P-2686. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent persons and he has been falsely implicated in this case. He further submitted that the co-accused was arrested and released on bail by the District Court, Namakkal. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that this is the fifth anticipatory bail application filed by the petitioner and this Court has already dismissed the earlier anticipatory bail applications of the petitioner. He further submitted that the petitioner had



illegally transported four units of river sand by using lorry bearing Regn.No.TN-69-P-2686 without any valid permit. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. This Court on the earlier occasion in Crl.O.P.No.15249 of 2020 by order dated 28.09.2020, following the orders passed by this Court in a batch of applications in Crl.O.P.No.13334 of 2020 dated 03.09.2020 had dismissed the earlier application expressing the opinion that the offenders despite several orders passed by various Benches of this Court regarding illegal sand mining and knowing fully well about the evil consequences affecting the environment and society at large and the implications thereon are indulging in the offences of illegal quarrying/mining, theft and smuggling of sand and minerals and that finding that the case comes under the category of cases of large magnitude affecting and impacting livelihood of a very large number of people knowingly and unknowingly, had dismissed the earlier application. Subsequently, the order of this Court in Crl.O.P.No.13334 of 2020 and Batch etc. dated 03.09.2020 was clarified by the Hon'ble Supreme Court and the Hon'ble Supreme Court had not agreed with the broad sweep of the observation made by this Court in Paragraph 27 of the order in Crl.O.P.No.13334 of 2020 and connected matters decided on 03.09.2020 and had directed that the Court should take into consideration the role assigned to the person on case to case basis.

6. A perusal of the materials reveal that the petitioner was apprehended with 4 units of river sand, which was being transported by using lorry bearing Regn.No.TN-69-P-2686 without any valid permit. Considering the fact that there is no change of circumstances after dismissal of the earlier anticipatory bail applications filed by the petitioner and that being the case, since the illegal lifting and transportation of sand has been deprecated by this court in various decisions, keeping in mind the need for maintaining the ecological balance and the conservation of water table in the locality, as held by the Hon'ble Supreme Court, giving any leniency to the petitioner by granting anticipatory bail would only lead to the petitioner perpetrating the offence once again and, therefore, in the fitness of things, this court is not inclined to accede to the prayer as sought for by the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

15/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE INSPECTOR OF POLICE
VELUR POLICE STATION (L AND O),
NAMAKKAL DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.JAYALAKSHMI Advocate on payment of necessary charges

CRL OP.5964/2022

Date :15/03/2022

JPA 24/03/2022