



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.10657 of 2022

1 PERIYASAMY
S/O.RAJENDRAN

[PETITIONERS / ACCUSED]

2 PERIYASAMY
S/O.SEKAR

3 JAVAGAR

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VEERAGANUR POLICE STATION,
SALEM.
(CRIME NO.43/2022)

[RESPONDENT]

For Petitioner : M/S. M.R.FRANKLIN Advocate

For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A3 herein, who were arrested on 22.04.2022 for the offences punishable under Section 379 of IPC and Section 21(1) of Mines & Minerals (Development & Regulation) Act, in Crime No.43 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 22.04.2022, upon information, the defacto complainant/Village Administrative Officer along with her assistant arrived at the scene of occurrence and found the petitioners involved in illegal transportation of red sand in their three tipper lorries each carrying three units without proper permit.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they had not committed any such offences as alleged by the prosecution. He further submitted that the petitioners are only drivers and A4 and A5, who are the owners of the vehicle, had been released on bail. Hence, he prays for granting bail.

4. The learned Additional Public Prosecutor appearing for the respondent raised strong objection for granting bail to the petitioners stating that the petitioners had illegally transported red soil in their three tipper lorries each carrying three units without valid permit, which would affect the natural wealth of the state.

5. It is seen that there is a specific overt act against these petitioners. Considering the serious nature of the offence and in order to safe guard the mines and mineral, this Court is of the view that this type of offence cannot be encouraged by granting bail and if they are released on bail, they will repeat the same offence.

6. Therefore in the said circumstances, this Court is not inclined to grant bail to these petitioners. Hence, this Criminal Original Petition is dismissed.

-sd/-

05/05/2022

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 OFFICER INCHARGE,
DISTRICT JAIL, ATTUR.

2 THE INSPECTOR OF POLICE,
VEERAGANUR POLICE STATION,
SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.R.FRANKLIN Advocate on payment of necessary charges

CRL OP.10657/2022

Date :05/05/2022

RW 06/05/2022