



Crl.O.P.No.17459 of 2022

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WEB **M.DHANDAPANI,J.**

The petitioner, who apprehends arrest for the alleged offence under Section 21(1) Mines and Minerals (Development & Regulation) Act, 1957 r/w 379 IPC in Crime No.110 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had transported one unit of river sand illegally in his tractor without obtaining proper license. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner had illegally transported 1 unit of river sand in his tractor without any valid permit. He further submits that the petitioner had already filed three anticipatory bail petitions and the same were dismissed by this Court and this is the forth anticipatory bail petition. Hence, he vehemently opposed for granting



Crl.O.P.No.17459 of 2022

anticipatory bail to the petitioner.

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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.



CrI.O.P.No.17459 of 2022

6. A perusal of the materials reveal that the petitioner was apprehended with 1 unit of river sand, which was being transported with the vehicle without any permit. That being the case, 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.

7. Considering the gravity of offence committed by the petitioner and already this Court had dismissed the anticipatory bail petitions filed by the petitioner and there is no change of circumstances, this Court is not inclined grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

28.07.2022

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CrI.O.P.No.17459 of 2022

M. DHANDAPANI,J.
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CrI.O.P.No.17459 of 2022

28.07.2022