



Crl.O.P.No.22338 of 2022

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M.DHANDAPANI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 of I.P.C. r/w 21(1) of Mines & Minerals Act in Cr.No.2135 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal transportation of three units of river sand using lorry.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner without obtaining any permission from the Government, had illegally dugged the land and transported sand, thereby degraded the environment and caused damages to the ecology. He further submitted that earlier, the petitioner approached



Crl.O.P.No.22338 of 2022

this Court by filing Crl.O.P.No.7791 of 2021 and this Court dismissed the said petition. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5.This Court is of the opinion that the offenders, despite several orders being passed by various Benches of this Court regarding illegal sand mining and quarrying 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. These cases come within the category of cases of large magnitude affecting and impacting livelihood of a very large number of people knowingly and unknowingly.

6.This Court finds that the discretionary power has been consciously and continuously misused by the offenders in an organised manner and this Court is of the firm opinion that the discretionary powers cannot be extended to persons indulging in illegal sand mining, smuggling and theft of sand and minerals.



Crl.O.P.No.22338 of 2022

WEB COPY

7.Further, that there is no change in circumstances subsequent to the order passed in Crl.O.P.No.7791 of 2021. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

8.This criminal original petition is accordingly dismissed.

15.09.2022

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