



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

Date :08.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.15454 of 2021

Murugesan

... Petitioner/Accused No.2

Vs

The State represented by
the Inspector of Police,
Ammamet Police Station,
Thanjavur District.
(Crime No.865 of 2021)

... Respondent/Complainant

For Petitioner : Mr.DHILIPAN PANDIAN R.L.
Advocate

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Criminal Side)

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

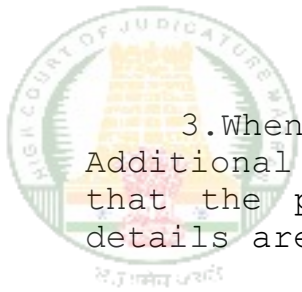
PRAYER :-

For Anticipatory Bail in Crime No.865 of 2021 on the file
of the respondent Police.

ORDER : The Court made the following order :

The petitioner, apprehending arrest for the offence under
Sections 379 IPC and Section 21(4) of the Mines and Minerals
(Development and Regulation) Act, in Crime No.865 of 2021 seeks
anticipatory bail.

2.The prosecution case is that the petitioner has transported
one unit of river sand in lorry without valid permission. Hence the
complaint.



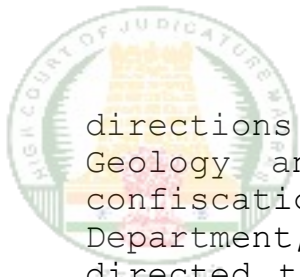
3. When the matter is taken up for hearing the learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has involved in several other cases and The details are as follows:

Sl. No.	Details	Sections of Law
1.	Ammapet Police Station Crime No.157 of 2021	294(b), 307, 506(ii) IPC
2.	Ammapet Police Station Crime No.116 of 2021	294(b), 506(i) IPC
3.	Ammapet Police Station Crime No.26 of 2021	386 IPC
4.	Ammapet Police Station Crime No.274 of 2019	21(4) of MMDR Act
5.	Ammapet Police Station Crime No.118 of 2018	386, 427, 506(ii) iPC
6.	Ammapet Police Station Crime No.283 of 2009	147, 148, 302 and 341 IPC
7.	Ammapet Police Station Crime No.219 of 2009	341 and 188 IPC
8.	Needamangalam Police Station, Crime No.1177 of 2020	147, 148, 341, 294(b), 307, 302 r/w 34 IPC

4. Considering the antecedents of the petitioner that he is involved in several other cases, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition stands dismissed.

5. It is needless to say that any tool or instrument or vehicle used for illegal quarrying/ transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21 (4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated under Section 21(4-A) of the Act.

6. Though the above provision mandates the authorities to confiscate the tool or instrument or vehicle involved in the commission of the offence of illegal quarrying / transportation of sand, the authorities have not invoked the provision of 21(4-A) of the Mines and Minerals (Development & Regulation) Act, 1957 and therefore, a Division Bench of this Court in W.P.No.19936 of 2016, etc., batch has emphasised the need for confiscation of the vehicles. Consequently, the Government has also issued certain



directions to the authorities of Revenue, Police and Forest and Geology and Mining departments to seize the vehicles and for confiscation of the same in G.O.Ms.No.170, Industries (MMC-2) Department, dated 05.08.2020. Therefore, the respondent police is directed to proceed further as per Section 21 (4-A) of the Mines and Minerals(Development & Regulation) Act, 1957 and as per the guidelines issued in G.O.Ms.No.170, Industries (MMC-2) Department, dated 05.08.2020.

sd/-
08/10/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk

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

ORDER
IN
CRL OP(MD) No.15454 of 2021
Date :08/10/2021

RK/SKN/SAR-III (26/10/2021) 3P 3C