



WEB COPY

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.15541 of 2021

Sivgnanam ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
(Crime No.507 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Thiyagarajan.A, Advocate

For Respondent : M/s.P.Kottaichamy
Government Advocate (Crl Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.507 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(1) of the Mines and Minerals (Development and Regulation) Act, in Crime No.507 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 Government Advocate (Crl Side) appearing for the respondent submitted that the petitioner has involved in three previous cases of similar nature, as follows:

Sl. No.	Details	Sections of Law
1.	Viralimalai Police Station Crime No.293 of 2020	Section 379 IPC and Section 21(1) of the MMDR Act
2.	Viralimalai Police Station Crime No.455 of 2020	Section 379 IPC and Section 21(1) of the MMDR Act
3.	Ammamet Police Station Crime No.26 of 2021	386 IPC

4.Considering the antecedents of the petitioner that he is involved in three similar offences, 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

/ TRUE COPY /

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



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,
Viralimalai Police Station,
Pudukottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.15541 of 2021
Date :08/10/2021

SP/SKN/SAR II/25/10/2021/3P/3C