



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.16442 of 2021

Anbumani @ Karuppan

... Petitioner/Accused No.2

Vs

State Rep by,
The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(Crime No. 496/2021)

... Respondent/Complainant

For Petitioner : Mr.K.G.Arun Kumar, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.496 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC and Sections 21(1) & 21(2) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.496 of 2021, seeks anticipatory bail.

2.The prosecution case is that the petitioner and other accused have illegally transported 1/2 unit of river sand. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him.



4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner and other accused have illegally transported 1/2 unit of river sand and hence, the case was registered. He further submitted that the petitioner is having three previous cases to his credit.

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5.The cases pending against the petitioner are as follows:

- i.Sampattividuthy Police Station - Cr.No.233/2020 u/s.269, 379 IPC r/w 21(1) TNMMD Act;
- ii.Sampattividuthy Police Station - Cr.No.36/2017 u/s.147, 435, 447 IPC @ 435, 447 IPC; and
- iii.Sampattividuthy Police Station - Cr.No.29/2016 u/s.147, 148, 307, 324, 506(ii) IPC @ 109, 147, 148, 307, 324, 34, 506(ii) IPC.

6.Considering the nature of mineral involved and the antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

7.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.

8.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 under Section 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 emphasized 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-II) 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-II) Department, dated 05.08.2020.

sd/-
27/10/2021

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/ /2021

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



gk

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

ORDER
IN
CRL OP(MD) No.16442 of 2021
Date :27/10/2021

PKP/VR/SAR-3/08.11.2021/3P/3C