



CRL OP(MD). No.14666 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14666 of 2023

C.Pillaiyarsamy

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
Dhalavaipuram Police Station,
Rajapalayam Taluk,
Virudhunagar District.
Crime No.137 of 2023..

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for Mr.Thirunavukkarasu M,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.137 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.14666 of 2023

ORDER : The Court made the following order :-

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The petitioner/ Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.137 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Revenue Inspector attached to Rajapalayam Village. He has stated that on 22.06.2023, at about 3.30 p.m., along with Revenue Officials namely, Tahsildar, Rajapalayam, Deputy Tahsildar and Village Administrative Officer, were on their routine vehicle check up. At that time, they inspected the Tractor bearing Registration No.TN 48 W 4709 and Tractor bearing Registration No.TN 60 H 8489. On enquiry the driver of the above said vehicle revealed that about 1 ½ unit of rough stone has been taken from the patta land of this petitioner and transported the same without prior permission from the concerned authority. Therefore, the above said vehicle was seized, so also the rough stones. Over which, the case has been registered.

3. When the matter was heard on the last time, it was dismissed on the ground that the petitioner is involved in previous cases of similar in nature.



CRL OP(MD). No.14666 of 2023

WEB COPY

4.This is second anticipatory bail application. The learned Senior counsel for the petitioner submitted that only from his patta land only the above said rough stone was taken for his personal domestic use. On that ground he was directed to file relevant documents showing the survey numbers, etc., The respondent was also directed to visit the place of occurrence namely the place from which the above said rough stone was taken. They also visited the place and stated that the rough stone was taken from S.No.397/2B, situated at South Venganallur Village and transported the same to the S.No.397/2A situated in the very same Village.

5.The learned counsel would rely upon Rule 17 of the Tamil Nadu Minor Mineral Concession Rules, 1959.

“17. Quarrying by the Owner.- A registered holder may quarry free of charge any minor mineral on a small scale for his own use for a specific bonafide domestic or agricultural purpose, provided that he has no intention of continuing quarrying operations indefinitely and provided further that the land is not in any way rendered less fit for cultivation than before.”



CRL OP(MD). No.14666 of 2023

WEB COPY

6.The above said Rules says that for domestic non commercial purpose mining activities is permitted. But, the condition is that it should not be exploited for commercial purpose. Here, it is not the case of the prosecution that it has been transported for the purpose of selling. The petitioner is not clear with regard to the purpose for which, the above said rough stones have been taken. The fact remains is that from his patta land only it has been taken. But, not for any commercial purpose. He has also filed an undertaking affidavit before this Court.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

8. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Rajapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under



CRL OP(MD). No.14666 of 2023

Section 438 Cr.P.C. scrupulously.

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9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
13/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

1. The Judicial Magistrate, Rajapalayam.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District @ Srivilliputhur.
3. The Inspector of Police,
Dhalavaipuram Police Station,
Rajapalayam Taluk,
Virudhunagar District.



CRL OP(MD). No.14666 of 2023

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-13625[I] dated
14/09/2023)

ORDER
IN
CRL OP(MD) No.14666 of 2023
Date :13/09/2023

RK/DD (06/10/2023) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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