



CRL OP(MD).No.5201 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5201 of 2024

Kanthaiya

... Petitioner/ A1

Versus

The State Rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.201 of 2024)

...Respondent/ Complainant

For Petitioner : Mr.V.Vishnu,
Advocate.

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.201 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime



CRL OP(MD).No.5201 of 2024

No.201 of 2024 for the offence under Section 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and remanded him into judicial custody on 21.03.2024. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that the petitioner along with other accused has illegally transported one unit of river sand in a lorry bearing Reg.No.TN59BK1554.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in Jail from 21.03.2024.

4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, quantity of the mineral and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail



CRL OP(MD).No.5201 of 2024

WEB COPY

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kulithalai.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall appear before the respondent police as and when required for interrogation. He has to co-operate for the investigation.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

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.



CRL OP(MD).No.5201 of 2024

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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/-

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04/04/2024

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

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CRL OP(MD).No.5201 of 2024

TO

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- 1 THE JUDICIAL MAGISTRATE NO.II
KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.5201 of 2024

Date :04/04/2024

SS/SAR- /04/04/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023