



CRL OP(MD). No.5476 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Chakkaravarthi @ Ravivarma Chakkaravarthi,

2. Vicky @ Vignesh,

... Petitioners/ Accused 1 & 2

Vs

The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
(Crime No.69/2024).

... Respondent/ Complainant

For Petitioner : Mr.D.VENKATESH,
Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.69 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police in connection with Crime No.69 of 2024 for the offence under Sections 379 of IPC and

<https://www.mhc.tn.gov.in/judis> Section 21(4) of the Mines and Minerals (Development and Regulation) Act, have



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filed this petition seeking anticipatory bail.

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2.The case of the prosecution is that the petitioners are said to have illegally transported ½ unit of river sand in a Tractor with bogus registration number.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent police opposed for grant of anticipatory bail on the ground that the registration number has been forged by the petitioners for illegal transportation of minerals. He fairly conceded that the petitioners have no previous case.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the petitioners are not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners ordered are to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Thiruvadanai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned



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and on further conditions that:

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i) The petitioners 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;

ii) The petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required by the respondent police. They have to co-operate for the investigation.

iii) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. They shall be available for the trial as well.

iv) On violation of any of the above conditions by the petitioners, 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 and any vehicle or instrument or tool which has been seized under Section 21 (4) of the Mines and Minerals (Development & Regulation) Act is liable to be confiscated under Section 21(4-A) of



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the Mines and Minerals (Development & Regulation) Act.

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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 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 and therefore, the respondent police is directed to proceed further as per Section 21 (4-A) of the Mines and Minerals (Development & Regulation) Act and as per the guide lines issued in G.O.Ms.No.170, Industries MMC-2 Department, dated 05.08.2020.

sd/-

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/04/2024

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

SJI
TO
1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.

<https://www.mmc.tn.gov.in/judis>



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-4596[I] dated 18/04/2024)

ORDER IN
CRL OP(MD) No.5476 of 2024
Date :17/04/2024

SA/JGB/SAR. /25.04.2024/5P/6C

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