



CRL OP(MD). No.5496 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/04/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.5496 of 2024

Murugesan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
Cr.No.159/2024.

... Respondent/Complainant

For Petitioner :Mr.R.L. Dhilipan Pandian
Advocate.

For Respondent :Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 159/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 30.03.2024, for the offence under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act,



CRL OP(MD). No.5496 of 2024

1957 in Crime No.159 of 2024, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported three bags of river sand in a two wheeler bearing Registration No.TN 49 C 6569.

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 and only on suspicion, the petitioner was arrested and he is languishing in Jail from 30.03.2024.

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. He further submits that no previous case is pending as against this petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that no previous case is pending as against this petitioner, 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 on the following conditions:-

i) The petitioner shall execute 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, Thiruvaiyaru, Thanjavur District.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or



CRL OP(MD). No.5496 of 2024

any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall report before the respondent police daily at 10.30. a.m for a period of two weeks and thereafter shall appear as and when required and also shall co-operate for 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.

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

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



CRL OP(MD). No.5496 of 2024

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/-
10/04/2024

/ TRUE COPY /

10/04/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.



CRL OP(MD). No.5496 of 2024

WEB COPY

- 3 THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.5496 of 2024

Date :10/04/2024

PKP/10.04.2024/ 5P/ 6C

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