



CRL OP(MD). No.5501 of 2024

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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.5501 of 2024

Suresh

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.146/2024).

... Respondent/ Complainant

For Petitioner : Mr.K. M.Karunakaran, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.146/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police in connection with Crime No.146 of 2024 for the offence under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, has filed this petition.



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2.The case of the prosecution is that the petitioner and other accused have illegally transported two units of gravel sand.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of anticipatory bail on the ground that the petitioner has one previous case to his credit.

5.Considering the facts and circumstances of the case and also considering the nature of mineral involved, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

i) The petitioner and the sureties shall submit a copy of their

Aadhaar Card or any other identity card issued by the Government in



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proof of their residence address;

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ii) The petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation. He has to co-operate for the investigation.

iii) 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.

iv) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory 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 the Mines and Minerals (Development & Regulation) 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



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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/-
10/04/2024

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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 No.II,
Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.



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3.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-4333[I] dated 10/04/2024)

ORDER
IN
CRL OP(MD) No.5501 of 2024
Date :10/04/2024

ED/ JGB /SAR- (16/04/2024) 5P / 6C

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