



CRL OP(MD).No.5565 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 12.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI  
CRL OP(MD).No.5565 of 2024

Saravanan

... Petitioner/ Accused No.3

Versus

The Inspector of Police,  
Musiri Police Station,  
Trichy District.  
(Crime No.92 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.K.Arunraj, 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.92 of 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 a case in Crime No.92 of 2024, for the offence under Section 379 IPC r/w. 21(1) of Mines and Minerals (Development & Regulations) Act, 1957, has filed this petition seeking anticipatory bail.



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2. The case of the prosecution is that the accused persons have illegally transported 1/4 unit of river sand in a lorry bearing Reg.No.TN36 BT 0830 without any valid permit.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he is in no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police submits that the petitioner is doing bricklin business, for which, he has taken 1/4 unit of river sand, without getting any permission from the authority concerned.

5. Considering the facts and circumstances of the case and also considering the quantum of minerals, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered 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 on condition that

(i) the petitioner executes a bond for a sum of Rs.25,000/-

(Rupees Twenty Five Thousand) with two sureties each for a like sum



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to the satisfaction of the learned Judicial Magistrate, Musiri.

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(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 daily at 10.30 am for a period of two weeks and thereafter, 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.

(v) 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, 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



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Section 21(4-A) of the 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 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/-  
12/04/2024

/ TRUE COPY /

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



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To

1.The Judicial Magistrate,  
Musiri.

2.Do through the Chief Judicial Magistrate,  
Trichy District.

3.The Inspector of Police,  
Musiri Police Station,  
Trichy District.

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

+1 CC to M/s.K.ARUNRAJ, Advocate ( SR-4347[I] dated 12/04/2024 )

ORDER

IN

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Date :12/04/2024

ED/ VR /SAR- (17/04/2024) 5P / 6C

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