



CRL OP(MD). No.5808 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5808 of 2024

Ganesan,

... Petitioner/Sole Accused

Vs

The State represented by
The Sub Inspector of Police,
Kollidam Police Station,
Trichy District.
(Crime No.70/2024).

... Respondent/Complainant

For Petitioner : Mr.P.GANAPATHI SUBRAMANIAN, Advocate

For Respondent : Mr.P.KOTTAICHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.70 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.70 of 2024, for the offence punishable under

<https://www.mhc.tri.gov.in/judis> Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development &



CRL OP(MD). No.5808 of 2024

Regulation) Act, 1957 has filed this petition seeking anticipatory bail.

WEB COPY

2. The case of the prosecution is that the petitioner has illegally transported two unit of sand in a lorry bearing Registration No.TN 48 V 6886. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the vehicle, which was used in the offence, was already seized by the officials. No previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the quantity of the mineral and the antecedent of the petitioner, 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 their arrest or on their 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 execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate,



CRL OP(MD). No.5808 of 2024

Srirangam.

WEB COPY

(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.

(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 Section 21(4-A) of the Act.



CRL OP(MD). No.5808 of 2024

WEB COPY

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/-
16/04/2024

/ TRUE COPY /

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

LR
TO
1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM.

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



CRL OP(MD). No.5808 of 2024

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.

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

ORDER IN
CRL OP(MD) No.5808 of 2024
Date :16/04/2024

SA/VR/SAR. /25.04.2024/5P/5C

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