



CRL OP(MD). No.6213 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Sathiyaraj,

2. Reginald Suriya,

... Petitioners/ Accused Nos. 2 & 3

Vs

The State represented by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.208/2024).

... Respondent/Complainant

For Petitioners : Mr.Dhilipan Pandian R L,Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.208/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioners in Crime

No.208 of 2024 for the offence under Section 379 IPC and Section 21(1) of Mines &

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



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Minerals (Development and Regulation) Act 1957 and remanded them into judicial custody on 09.04.2024. Therefore, the petitioners have filed this petition seeking bail.

2. The case of the prosecution is that the petitioners have illegally transported four bags of River sand in their two-wheeler. Hence the case.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they have been arrested and they are languishing in jail from 09.04.2024. Therefore, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent submits that no previous case is pending against the petitioners.

5. Considering the facts and circumstances of the case, the period of incarceration and also considering the antecedents of the petitioners, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail

i) on the petitioners executing 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 petitioners and the sureties shall submit a copy of their Aadhaar Card or



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

iii) The petitioners shall appear before the Inspector of police, Thiruvaiyaru Police Station as and when required by the respondent police. they have to co-operate for the investigation.

iv) 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.

v) 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, 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

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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/-
23/04/2024

/ TRUE COPY /

23/04/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

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



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

ORDER
IN
CRL OP(MD) No.6213 of 2024
Date :23/04/2024

PKP/23.04.2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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