



CRL OP(MD).No.8212 of 2024

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

Date : 24.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.8212 of 2024

R.Chandrasekaran

... Petitioner/ Accused No.2

Versus

State Rep. by
The Inspector of Police,
Guzilamparai Police Station,
Dindigul.
Crime No.250/2022

... Respondent/complainant

For Petitioner: Mr.B.Azhagesh

Advocate

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.250 of 2022 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.250 of 2022, for the offence under Section 21(1) of



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Mines and Minerals (Development & Regulation) Act 1957 and Section 379 IPC, has
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filed this petition seeking anticipatory bail.

2. The case of the prosecution is that on 20.12.2022 at about 2.00 a.m., on receiving the information from one Arumugam of Karumbaraipatti Village, who intercepted a lorry bearing Reg.No.TN34 Z 8985, the defacto complainant along with the Tahsildar, went to the place, where, the lorry was stationed at Palayam to Aravakurichi Road at Punga Odai near Palayam. On enquiry, it was found that the petitioner/accused has transported 15 tonnes of Calcite Crystals. Hence, the case.

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. He further submits that the respondent Police took cognizance against the petitioner on the baseless complaint lodged by the defacto complainant and the respondent Police has no right to take cognizance under Mines and Minerals (Development and Regulation) Act, 1957. To substantiate the same, he has also relied on a Judgment of the Division Bench of this Court in the case of Sengol and others vs. the Inspector of Police, R.S.Mangalam Police Station, Ramanathapuram District (in Crl.O.P.(MD) Nos.13173, 12992 and 14409 of 2011, dated 05.01.2012).



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4. The learned Government Advocate (Crl. Side) submits that the petitioner has transported the above minerals, violating the terms and conditions of the permit. Therefore, the vehicle was seized by the defacto complainant. But, the vehicle is to yet confiscated.

5. This Court considered the rival submissions made.

6. The mineral, involved in this case, is Calcite Crystal, which is the form of limestone and it is the major mineral. It appears that though the respondent Police seized the lorry along with the minerals, they have not arrested the accused so far. The respondent Police has also not conducted any investigation and has not taken any steps to confiscate the minerals and the vehicle, which has been used for illegal transportation of minerals.

7. It is the duty of the respondent Police to take necessary action to confiscate the vehicle, if any minerals have been transported without any valid permit. Therefore, this Court, by earlier order dated 06.06.2024, directed the learned Government Advocate (Crl. Side) to get instructions as to the steps taken by the Investigating Officer for confiscation of the subject vehicle.



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8. Pursuant to the same, the learned Government Advocate (Crl. Side) on instructions, submits that the respondent Police has filed a petition before the learned Principal Sessions Judge, Dindigul, on 13.06.2024 seeking to pass an order of confiscation of the subject vehicle.

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

11. Accordingly, Crl.O.P.(MD)No.8212 of 2024 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 to the satisfaction of the learned Judicial Magistrate, Veda sandur.

(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 make a non refundable deposit of Rs.15,000/- (Rupees



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Fifteen Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioners;

(iv) The petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.

(v) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(vi) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
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/08/2024

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

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TO

1. THE JUDICIAL MAGISTRATE, VEDASANDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
3. THE INSPECTOR OF POLICE,
GUZILAMPARAI POLICE STATION, DINDIGUL.



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

COPY TO
THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,DINDIGUL

ORDER
IN
CRL OP(MD) No.8212 of 2024
Date :24/06/2024

RK/GS (07/08/2024) 6P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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