



Crl.O.P.No.5250 of 2022

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WEB COPY **Dr.G.JAYACHANDRAN, J.,**

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.574 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are driver and owner of the tractor in which $\frac{1}{4}$ unit of river sand had been transported illegally by them, without getting proper permission. Hence, this complaint.

3.Considering the quantum of sand seized from the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

4.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Principal District and Sessions Court,**



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Tiruvannamalai, on condition that each of the petitioners 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, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a)each of the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) before the concerned District Collector's Fund as non-refundable deposit**, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner. After receipt of the above said amount, the same has to be deposited by the concerned District Collector to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit;

(b)the above said condition shall be complied within a period of 10 days from today.

(c)the petitioners and the sureties shall affix their photographs and left thumb impression in the



surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the Investigation Officer as and when required for interrogation.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

It is made clear that the grant of anticipatory bail to the petitioners will not stand in the way of the Authorities concerned to proceed with the



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confiscation proceedings in respect of the vehicle which has been used for
illegal transportation of the minerals.

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