



CrI.O.P.No.5248 of 2022

CrI.O.P.No.5248 of 2022

Dr.G.JAYACHANDRAN, J.,

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.75 of 2022 is before this Court seeking anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of the land from which sand has been illegally excavated and transported.

3.The learned counsel appearing for the petitioner submitted that the petitioner, who is the owner of the land excavated the land by digging for transporting the sand for his own use and the same has been intercepted and seized by the respondent police.

4.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.



CrI.O.P.No.5248 of 2022

WEB COPY

5. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Nagapattinam**, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of **Rs.20,000/- (Rupees Twenty 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;



CrI.O.P.No.5248 of 2022

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

(c)the petitioner 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 petitioner shall report before the Investigation Officer as and when required for interrogation.

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

(f)the petitioner 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 petitioner 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;

Dr.G.JAYACHANDRAN,J.



WEB COPY



Crl.O.P.No.5248 of 2022

ari

(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 petitioner
will not stand in the way of the Authorities concerned to proceed with the
confiscation proceeding of the vehicle seized by the respondent police.

07.03.2022

ari

Crl.O.P.No.5248 of 2022

07.03.2022