



Crl.O.P.No.12750 of 2022

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M. NIRMAL KUMAR, J.

Today, the matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2.Learned counsel for the petitioner submits that in the petition it is mentioned that the vehicle Tractor bearing Registration No.AP 03 V1260 along with Trailer AP 03 V 429 was involved in the case and the petitioner is the owner of the Tractor. But in paragraph No.2 of the order dated 27.05.2022, it is mentioned as Lorry.

3.In view of the above, in paragraph No.2 of the order passed in Crl.O.P.No.12750 of 2022 dated 27.05.2022, the vehicle shall be substituted as 'Tractor' instead of 'Lorry'.

4.It is made clear that in all other respects, the order dated 27.05.2022, shall remain unaltered.



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cse

5. The issue is clarified, accordingly.

6.The Registry is directed to carry out the correction in the order dated 27.05.2022 and issue a fresh copy of the order, in accordance with law.

16.11.2023

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable u/s 379 & 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Cr.No.114 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner, who is the owner of the lorry, alleged to have transported half unit of river sand, illegally.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is the owner of the vehicle. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the quantity of river sand involved is half unit.



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He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court. 6.Merely because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 8. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to the credit of the



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concerned District Mineral Foundation Trust and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of Thirty days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruttani on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to the credit of the concerned District Mineral Foundation Trust.

[c] the petitioner shall report before the respondent police daily at 10.30 for a period of two weeks and thereafter as and when required for



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interrogation.

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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Kal/Pri

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