



Crl.O.P.No.21269 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No. 119 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had involved in illegal transportation of unburned coal ashes using his tractor bearing Registration No.TN-31-BJ-5584.

3. Learned counsel for the petitioner would submit that the petitioner had earlier approached this Court in Crl.O.P.No.19069 of 2021 and this Court by order dated 27.10.2021 had directed the petitioner to deposit a sum of Rs.10,000/- to the credit of Chairman/District Collector, District Mineral Foundation Trust of the concerned District. However, the petitioner was unable to deposit the amount, thereby, the earlier order has got automatically lapsed. He would further submit that without prejudice, the petitioner is now ready and



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willing to deposit an amount of Rs.15,000/- to the credit of District Mineral Foundation Trust. Hence, he seeks for anticipatory bail.

4. Learned Government Advocate (crl.side) would submit that the petitioner had stolen unburned coal ashes from the Neyveli Lignite Corporation using his tractor bearing Registration No.TN-31-BJ-5584. He would further submit that the petitioner had already granted anticipatory bail in Crl.O.P.No.19069 of 2021 and however, since he did not comply with the condition, the earlier order has got lapsed. Hence, he vehemently opposed to grant anticipatory bail for the petitioner.

5. In view of the rehabilitation undertaken by the State Government under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities and also considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of the concerned District Mineral



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Foundation Trust, without prejudice to his rights and contentions. The amount so deposited shall be utilized by the Trust for rehabilitation works.

6. It is made clear that the deposit of the amount by the petitioner to the Trust would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

7. Taking into consideration of the facts of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail with certain conditions.

8. Accordingly, **the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as a non-refundable deposit to the credit of Chairman/District Collector, District Mineral Foundation Trust of the concerned District** and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his



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appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate cum District Munsif Court, Neyveli** on condition that the petitioner 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 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 shall make a **non refundable deposit of Rs.15,000/- (Rupees 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 their defence before the Trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner.



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[b] Merely, because the petitioner deposits 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.

[c] 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.

[d] the petitioner shall report before the respondent police **every day at 10.30 am until further orders.**

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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

08.09.2022

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