



Crl.O.P.No.23027 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 offences punishable under Sections 379, 430 of IPC r/w Section 21(i) of Mines and Minerals Act, in Crime No. 226 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported ½ unit of river sand in bullock cart illegally. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner was earlier granted anticipatory bail in Crl.O.P.No.16400 of 2022 dated 15.07.2022 with condition to deposit a sum of Rs.10,000/- as non refundable deposit to the credit of concerned District Mineral Foundation Trust. Due to poor financial status, the petitioner was unable to deposit the amount and thereby, the earlier order got lapsed. However, without prejudice, the petitioner is now prepared to deposit an amount of Rs.10,000/- to the credit of concerned District Mineral Foundation Trust with an additional amount of Rs.2,000/- to the credit of Taluk Legal Services Authority attached to the concerned Court. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (crl.side) would submit that the quantity of river sand involved is $\frac{1}{2}$ unit. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the credit of concerned District Mineral Foundation Trust with an additional amount of Rs.2,000/- to the credit of Taluk Legal Services Authority attached to the concerned Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 **District Mineral Foundation Trust, Villupuram** and further the petitioner is directed to deposit an additional amount of **Rs.2,000/-(Rupees Two Thousand Only)** to the credit of **Taluk Legal Services Authority attached to the concerned Court** and on such



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deposits, 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 on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate No.I, Villupuram, Villupuram District** 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 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 report before the respondent police **every day at 10.30 am until further orders.**

[c] 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.



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

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

[e] 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]**.

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

22.09.2022

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