



Crl.O.P.No.24290 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Sections 4(1)(1A) & 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.228 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Jothi, Village Administrative Officer, Alanthuraiyarkattalai village is that when he had conducted inspection in his village, it was found that the accused had illegally quarried limestone from 4.76.50 hectares of land. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are the owners of the property and that they have also been granted mining license in R.C.No.18508/MM4/98 dated 25.04.2022 and that they were mining for some time. While so, on 26.09.2022, they received show cause notice from the District Collector in respect of



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alleged illegal mining and they have also sent a reply dated 28.09.2022 to the District Collector. Based on the report filed by the Village Administrative Officer a case was registered. He would further submit that the petitioners has not committed any offence alleged by the prosecution and hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners had illegally done mining of limestones thereby caused loss to the Government. However, the loss has not been assessed and show cause notice has been issued to A1 to A5 by the District Collector. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.2, Ariyalur**, on condition that each of the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further Orders.

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



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[d] the petitioners 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 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]**.

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

31.10.2022

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