



Crl.O.P.No.24349 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The Petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 of IPC r/w Section 21(5) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.332 of 2022, seek anticipatory bail.

2. The case of the Prosecution is that during routine vehicle check up, based on a secret information, the Respondent Police intercepted the vehicle TATA Benz Lorry bearing Reg.No.TN-25-AH-6256. Further on seeing the Police, the second Petitioner who was the driver of the vehicle fled from the scene of occurrence. Thereafter the Respondent Police seized the vehicle carrying 2 units of river sand without valid license. Hence, the complaint.



Crl.O.P.No.24349 of 2022

WEB COPY

3. The learned counsel for the Petitioners submitted that the Petitioners are an innocent person and that they did not commit any offence as alleged by the Prosecution. Hence, he prays for grant of anticipatory bail to the Petitioners.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the Petitioners. However, he vehemently opposed to grant anticipatory bail to the Petitioners.

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 Petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each**, 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.



Crl.O.P.No.24349 of 2022

WEB COPY

6. Merely, because the Petitioners have 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 Petitioners with certain conditions :-

(a) the Petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each**, as non refundable deposit to the credit of the concerned **District Mineral Foundation Trust** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the Petitioners are directed to be released on bail in the event of their arrest or on their appearance and on production of proof of payment of the above amount

(b) the Petitioners 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 **Judicial Magistrate, Kalasapakkam**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

(c) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioners surrender and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.



Crl.O.P.No.24349 of 2022

(d) *the Petitioners shall report before the Respondent Police daily at 10.00 a.m., until further orders.*

(e) the Petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(f) the Petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(h) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(i) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

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Crl.O.P.No.24349 of 2022

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Crl.O.P.No.24349 of 2022

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