



Crl.O.P.No.24345 of 2022

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SATHI KUMAR SUKUMARA KURUP., 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(5) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.364 of 2022, seeks 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 407 bearing Reg.No.TN-22-U-5607. Further on seeing the Police, the first Accused who was the driver of the vehicle escaped from the scene of occurrence. Thereafter the Respondent Police seized the vehicle carrying 1 unit of river sand without valid license. Hence, the complaint.



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

4. The learned Government Advocate (Crl.Side) 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.



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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 condition:-

(a) 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** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the Petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount

(b) 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 ***District Munsif-cum-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



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or the learned Judicial Magistrate before whom the Petitioner surrenders 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.

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

(e) the Petitioner shall not influence, threaten or coerce the 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 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.

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