



Crl.O.P.No.25672 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 in Crime No.125 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported 2 units of gravel sand by using Lorry without any valid licence. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this is the second application for anticipatory bail. He would submit that during the hearing of the earlier application, it was submitted by the learned Government Advocate that the contraband was river sand and hence, this Court has dismissed the application. He would submit that the contraband is only 2 units of gravel sand and without prejudice to their contentions, the petitioners are prepared to deposit an amount of Rs.10,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (crl.side) on instructions would submit that on an earlier occasion, a wrong instruction was given as such contraband was river sand but the contraband is only 2 units of gravel sand. However, he 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 each of the petitioners are 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 their rights and contentions before the trial Court.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.



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7.Taking note of the facts and circumstances, this Court is inclined

to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) each** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned** and on such deposit and on receipt of proof of payment, 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, Kangeyam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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 every day at 10.30 am, for a period of four weeks and thereafter, 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.

[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.

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