



Crl.O.P.No.26107 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 and 430 of IPC r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.40 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that based on the complaint given by the Sub-Inspector of Police attached in the respondent police station, it is found that the petitioner had transported 3 units of savudu sand by using a Tipper Lorry bearing Registration No.TN-22-CZ-2556, without obtaining permission from the Government. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any



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offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) appearing for the respondent submitted that the petitioner had transported 3 units of savudu sand by using a Tipper Lorry without any permission from the Government. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) for the respondent and perused the materials available on record.

6. 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.15,000/- (Rupees Fifteen Thousand only)** as non-refundable deposit to the credit of the concerned



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District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

7. 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.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)**



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with **two sureties**, each for a like sum to the satisfaction of the **learned**

Judicial Magistrate at Sriperumbudur and on further conditions that:

[a] 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 daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]**;



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

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