



Crl.O.P.No.28426 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 offence punishable under Sections 120(B), 447 and 379 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.02 of 2015, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally removed gravel earth more than 42,500 cubic metres (7083 Lorry Loads) without permission and that the petitioner who was a Revenue Inspector, had failed to take action against them. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a Village Administrative Officer, Manathal Village, Omalur, Salem District, and when he came to know about the illegal mining of gravel sand in that area, he intimated to Tahsildar as well as the Revenue Inspector. Pursuant to which the complaint notice was issued. He would further submit that the main accused in this case are licensees who were granted mining permission, in which, they have violated the conditions of



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the license and they have also exploited by mining more. After coming to know about the same, the petitioner had given complaint to the Collector. Based on the said complaint, a committee was formed under Sub-Collector and thereafter, value of damages was calculated. Based on which, show cause notices were issued to the licensees. A1 was made to pay an amount of Rs.2 crores and A2 was made to pay an amount of Rs.50 lakhs and thereafter, Public Interest Litigations were filed and based on the directions of this Court, a case was registered. He would further submit that the petitioner is the person who had intimated the action against the accused and now the petitioner has been attempted to be implicated in this case. He would further submit that similarly placed accused have been granted anticipatory bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is a VAO of Manathal Village, in which, he had colluded with the other accused and caused loss



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to the tune of Rs.3 crores to the Government Exchequers. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate IV, Salem, Salem District, 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 petitioner and the sureties shall affix their photographs



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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 06.30 p.m., for a period of two weeks and thereafter, report before the respondent police on every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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]**;

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



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