



CrI.O.P.No.29088 of 2022

A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 447, 379 of IPC read with Section 21(1) read with Section 4(1) of Mines and Minerals (Regulation and Development 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 Special Tahsildar (Mines) in the Office of the Deputy Director, Geology and Mining Department, Collectorate, Salem, had failed to take action against them. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is a Special Tahsildar (Mines) in the Office of the Deputy Director, Geology and Mining Department, Collectorate, Salem and after conducting inspection, he came to know that the accused had illegally



done mining of gravel sand. 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 the license and they have also exploited by mining more. After coming to know about the same, petitioner had given complaint to the Collector. Based on the said complaint, a committee was formed under the leadership of the 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 initiated the action against the accused and now the petitioner has been attempted to be implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a Special Tahsildar (Mines) in the Office of the Deputy Director, Geology and Mining Department, Collectorate, Salem, in which,



he had colluded with the other accused and caused a loss of about Rs.3 Crores to the Government Exchequers. He would further submit that investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that the entire loss has been calculated and the amount has also been recovered from the main accused.

6. Taking into consideration that the entire amount has been recovered and also considering that only based on the complaint of the petitioner, action has been initiated, this Court is inclined to grant anticipatory bail with certain conditions.

7. 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 No.IV, Salem District** on condition that the petitioner shall execute separate bond for a sum of **Rs.25,000/- (Rupees**



Twenty Five 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 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 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. for a period of two weeks and thereafter 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.**



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State of Kerala [(2005)AIR SCW 5560].

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

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