



Crl.O.P.No.4859 of 2023

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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 Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.311 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 3 units of gravel sand in a tipper lorry. 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 offence as alleged by the prosecution. She would also submit that the petitioner has purchased the gravel sand from the patta land. Other than that he has not committed any offence as alleged by the prosecution. She further submitted that the petitioner has no previous case against him. Hence, she prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner had illegally transported 3 units of gravel sand in a tipper lorry. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to his contention and defence before the Trial Court, the petitioner is ready and willing to deposit an amount of Rs.15,000/- to any welfare scheme run by the Government.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and the submissions of both sides, the petitioner is directed to deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the credit of **District Mineral Foundation Trust, Salem**, without prejudice to his contention and defence before the trial Court.



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8. However, it is made clear that merely because the petitioner deposits 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.

9. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the credit of **District Mineral Foundation Trust, Salem**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** as non refundable deposit to the credit of **District Mineral Foundation Trust, Salem**, 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 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



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learned Judicial Magistrate No.I, Sankari, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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



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[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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