



Crl.O.P.No.5938 of 2023

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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 r/w 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.56 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were alleged to have transported 3 units of gravel sand without valid license. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.



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Crl.O.P.No.5938 of 2023

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioners have transported 3 units of gravel sand without valid license. He further submitted that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.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 each of the petitioners are directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred 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.



Crl.O.P.No.5938 of 2023

7. 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.

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

9. Accordingly, the each of the petitioners shall make a non refundable deposit of **Rs.7,500/- (Rupees Seven Thousand Five Hundred only)** each by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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, Madukarai**, on condition that the each of the petitioners shall execute a separate bond for a sum of Rs.25,000/-



CrI.O.P.No.5938 of 2023

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(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 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 deposit a sum of **Rs.7,500/- (Rupees Seven Thousand Five Hundred only)** each as non-refundable deposit to the credit of the concerned **District Mineral Foundation Trust** within a period of fifteen (15) days from the date of receipt of a copy of this order.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



Crl.O.P.No.5938 of 2023

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[f] 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]**.

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

15.03.2023

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Crl.O.P.No.5938 of 2023

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