



Crl.O.P.No.6734 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 read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.173 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant R.Jagadeshan, Tahsildhar (In-charge), Tahsildhar Office, Tiruvannamalai District, is that the petitioners had illegally transported 3 units of Norambu Sand in a Lorry bearing Reg.No.TN-63-Y-8426, without obtaining any permission or license from the Tamil Nadu State Government. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready and willing to furnish solvent sureties and abide by any



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stringent condition that may be imposed on them. He also submitted that without prejudice, the petitioners are prepared to deposit an amount of Rs.15,000/- each towards any charitable organization or association. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners had transported 3 units of Norambu Sand in a Lorry bearing Reg.No.TN-63-Y-8426, without any valid bill/license. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the FIR.

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 petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen



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Thousand only) each 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. However, it is made clear that merely, because the petitioners deposit 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.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the counsel on either sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners shall make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only) each** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned** and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days



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from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Tiruvannamalai**, on condition that **each of the petitioner shall execute a separate 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 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 report before the respondent Police every day at 10.30 a.m., until further orders.**

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

[d] the petitioners shall not abscond either during investigation or trial;



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[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 absconds, a fresh FIR can be registered under Section 229A IPC;

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