



Crl.O.P.No.7489 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 Sections 294(b), 323, 353 and 506(i) of IPC in Crime No.40 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Vengatesan, Village Assistant, Siruvadi Village, Marakkanam Taluk, Villupuram District is that on 29.01.2023, while the Marakkanam Tahsildar was in vehicle check-up, it was found that Minerals (Bar Sand) was illegally transported by the accused in a Tipper Lorry bearing Registration No.TN-16-D-5787 and the lorry was seized and kept under the custody of the Village Administrative Officer (VAO). While so, the accused and two other unidentified persons claiming to be the owner of the lorry, had abused the VAO with filthy language and slapped him and threatened him with dire consequences and taken the seized lorry from the custody of the VAO. Hence the complaint.



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3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that A1 in this case has been arrested and granted station bail. He further submitted that the petitioners are ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on them. He also submitted that without prejudice, the petitioners are prepared to deposit an amount of Rs.10,000/- each towards any charitable organization or association. He further submitted that the respondent police has registered the case for statistical purpose and thereby, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioners had illegally transported Minerals (Barman) sand in a Tipper Lorry bearing Registration No.TN-16-D-5787, when it was questioned by the Village Administrative Officer, they have threatened the Village Administrative



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Officer and other officials with dire consequences. 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.10,000/- (Rupees Ten 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.



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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, each of the petitioner shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** 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 from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Tindivanam**, 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



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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;

[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



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**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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