



Crl.O.P.No.7758 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 and Minerals (Development and Regulation) Act, 1957 in Crime No.50 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have transported 1 unit of Savudu sand illegally by using two Tractors. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that A1 and A2 were arrested and released on bail. He would further submit that the petitioners have no previous case against them and without prejudice to their contentions, the petitioners are prepared to deposit an amount of Rs.10,000/- totally towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the quantity of savudu sand involved is 1 unit. He would further submit that the petitioners have no previous case pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration the facts of the case and the submissions made by the learned Counsel and also of the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6.The petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) totally** 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



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period of fifteen days from the date on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Vedaranyam**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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



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[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 **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;

18.04.2023

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