



Crl.O.P.No.7649 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 379 and 430 of IPC read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.370 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the FIR is that on 31.03.2023 at 5.00 a.m., when the respondent police were keeping watch on Kannigapuram to Mambakkam Chathiram Road, they have stopped a Lorry bearing Registration No.TN-20-AH-7376 and the driver along with others after seeing the police ran away leaving the Lorry. During enquiry, they came to know that the petitioners, who ran away leaving the said vehicle, have illegally transported 4 1/2 unit gravel sand in the Lorry without permit. 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 the fact remains that on the date of occurrence, the petitioners were issued with permits to transport six units of sand whereas, they have misplaced the permit and thereby a false complaint has been registered. He further submitted that the petitioners had already shown the original bills, even before the case was registered. He further submitted that the petitioners have no previous case pending against them. 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/- 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 submitted that the petitioners/accused hadW



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transported 4 ½ units of gravel sand in a Lorry bearing Registration No.TN-20-AH-7376 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 both sides and perused the entire 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) 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, the petitioners shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand 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, Thiruthani**, 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** each for a like sum to the satisfaction of the respondent police or the police officer who intends to



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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.

[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]**.



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

05.04.2023

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