



Crl.O.P.No.7946 of 2023

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A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 & 430 of IPC read with Sections 21(l) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.85 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 17.03.2023, the Assistant Geographer, Geology and Mining Department while conducting vehicle checkup at Veeranur village, Kalasapakkam, found that the petitioner was illegally transporting one unit of red soil in an unnumbered Tractor. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be



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imposed by this Court. He would also submit that without prejudice, the petitioner is prepared to deposit an amount of Rs.10,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner had transported one unit of red sand illegally in a unnumbered Tractor. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT each to the credit of the **District Mineral Foundation Trust concerned** and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Polur, Thiruvannamalai District** on condition that the petitioner shall execute a 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 petitioner 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;



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

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]*; and;

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

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