



Crl.O.P.No.8459 of 2023

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S.SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 430 and 379 IPC r/w Section 21(1) of the Tamil Nadu Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.903 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are alleged to have transported $\frac{1}{4}$ unit of river sand illegally in a bullock cart. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that without prejudice, the petitioners are prepared to deposit a sum of Rs.5,000/- as non-refundable deposit to the credit of the District Mineral Foundation Trust concerned. Hence, he prays for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioners are said to have transported half unit of river sand in the bullock cart. Hence, he opposed to grant anticipatory bail to the petitioners.



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5. Having regard to the allegation made against the petitioners in the FIR, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on anticipatory bail on condition to make a non refundable deposit of **Rs.5,000/- (Rupees Five 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 anticipatory 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 **District Munsif-cum-Judicial Magistrate, Thirukazhukundram**, on condition that the petitioners shall execute a 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 arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 his Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioners shall report before the respondent police every day 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;

[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 anticipatory 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 229A IPC.

05.05.2023

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