



Crl.O.P.No.10170 of 2023

S.SOUNTHAR, J

The petitioner, who apprehends 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 & Regulation) Act in Crime No.45 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have indulged in illegal transportation of $\frac{1}{4}$ unit of sand through bullock cart. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner is alleged to have indulged in illegal transportation of $\frac{1}{4}$ unit of sand through bullock cart without any valid permission. Hence, he



would vehemently oppose to grant anticipatory bail to the petitioner.

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5. 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 petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) as non refundable deposit to the credit of District Revenue Office, Thiruvarur, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on 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 Revenue Office, Thiruvarur 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 District Munsif cum Judicial Magistrate, Needamangalam*, 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.

[b] the petitioner shall report before the respondent police every day at 10.30 am, until further orders;

[c] the petitioner is directed to deposit a sum of Rs.5,000/- (Five Thousand only) to the credit of District Revenue Office, Thiruvarur.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

05.05.2023

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