



Crl.O.P.No.10326 of 2023

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S. SOUNTHAR, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 353, 379 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.460 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with others had illegally transported 4 units of red soil by using tipper lorry without any valid permission. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Learned counsel for the petitioner also submitted that without prejudice to his case, the petitioner is ready to deposit substantial amount as non refundable deposit to the concerned District Mineral Foundation Fund. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) appearing for the respondent police would submit that the petitioner along with others had illegally transported 4 units of red soil by using tipper lorry without



any valid permission. Hence, he opposed to grant anticipatory bail to the petitioners.

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.20,000/- (Rupees Twenty 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.

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 petitioners with certain conditions :-

[a] the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on their appearance and on production of proof of payment of the above amount.



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[b] the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, 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 Judicial Magistrate, Dharapuram, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[c] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

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

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