



CRL.O.P.NO.10862 OF 2023

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WEB C **K.GOVINDARAJAN THILAKAVADI, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.241 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 29.04.2023 while the respondent Police was on regular patrol duty, the petitioners were found illegally transporting one unit of Gravel Sand in a vehicle bearing without Registration Mahendra 595 DI Turbo Super (Chasis No.SLB3-006505288C1-DS-085, without any valid permit or license from the Government. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He further submitted that there is no previous case pending against them. However, without prejudice to their rights and contentions, the



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petitioners are prepared to deposit a substantial amount towards any Welfare Scheme run by the Government as may be directed by this Court.

Therefore, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent opposed for grant of anticipatory bail to the petitioners stating that the petitioners have illegally transported one unit of Gravel Sand without any valid permit from the Government by using a vehicle bearing without Registration Mahendra 595 DI Turbo Super (Chasis No.SLB3-006505288C1-DS-085 and that there is no previous case pending against the petitioners.

5.In order to curb the illegal sand mining activities and taking into consideration the voluntary submission made by the petitioners offering to deposit a considerable amount to any Welfare Scheme run by the Government, this Court is of the opinion that the petitioners may be directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** **each** to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and the contentions before the trial Court.



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6. Having regard to the nature of allegations made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 and 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 Principal District Sessions Judge, Salem District**, on condition that petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police 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 bail by the learned Magistrate/Trial Court



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himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*.

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

10.05.2023

TK/MSR



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