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Crl.O.P.No.10979 of 2023

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K.GOVINDARAJAN THILAKAVADI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.289 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner has illegally transported 2 units of river sand in a Tipper Lorry bearing Registration No.TN 32 AH 3898, without obtaining any permission or license from the Tamil Nadu State Government. 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 offence as alleged by the prosecution. He would further submit that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.20,000/- towards any charitable organization or



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association. Hence, he prays to grant anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor for the respondent police would submit that the accused illegally transported 2 units of river sand without any permit. He would further submit that there is no previous case pending against this petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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 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

:-

[a] the petitioner shall deposit a sum of **Rs.20,000/- (Rupees Ten Thousand only)** as non-refundable deposit to the credit of the concerned **District Mineral Foundation Trust** within a period of fifteen (15) days from the date of receipt of a copy of this order.

[b] the petitioner 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 Judicial Magistrate-I, Mayildauthurai**, 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 petitioner shall report before the respondent



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police everyday at 10.30 a.m., until further orders.

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

[f] the petitioner 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 petitioner is 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]**.

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

10.05.2023

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