

**Crl.O.P.No.11093 of 2023****K.GOVINDARAJAN THILAKAVADI, J.,**

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The Petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.54 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26.04.2023, the Assistant Geologist, Department of Geology and Mining, Krishnagiri had lodged a complaint before the Respondent/Police alleging that during the vehicle check up, she found the petitioners involved in illegal transportation of 9 units of sand by using six tipper lorries bearing Reg.Nos,KL-09-AS-5713, KL-32-T-8471, KL-32-T-8400, TN-41-BB-3056, KL-64-L-5602 and KL-64-L-3366 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. However, without prejudice to their rights and contentions, the 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 had illegally transported 9 units of sand in six tipper lorries without any valid permit from the Government.

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.1,00,000/- (Rupees one lakh only) each to the **credit of the District Mineral Foundation Trust** concerned, without prejudice to their rights and the contentions before the trial Court.

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.1.00,000/- (Rupees one lakh 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, 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 District Munsif-cum-Judicial Magistrate, Madukkarai**, on condition that the Petitioners shall execute separate 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 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 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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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

11.05.2023

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Dated: 11.05.2023