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CrI.O.P.No.11272 of 2023

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC read with Section 21 [1] of TNMMDR Act, 1957 in Crime No.380 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the Assistant Geologist, Geology and Mining, District Collectorate, Thiruvallur District, lodged a complaint before the respondent police that the petitioner was found transporting 3 units of sand illegally.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not indulged in any such act and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate [Criminal Side] appearing for the respondent submitted that the quantity of sand involved is three units. He further submitted that the petitioner is involved in one previous case of similar nature and hence, he vehemently 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 has to be directed to deposit a sum of Rs.30,000/- (Rupees thirty 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.



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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 directed to deposit a sum of Rs.30,000/- (Rupees thirty thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit 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 Judicial Magistrate No.II, Ponneri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 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.



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[b] the petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust.

[c] the petitioner shall report before the respondent police daily at 10.30 until further Orders.

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

[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.

17.05.2023

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