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Crl.O.P.No.11679 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under **Sections 379 and 430 IPC** in **Crime No.141 of 2023**, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the revenue officials found a lorry bearing registration No. TN 69 M 8068 loaded with gravel soil without any permission. On seeing revenue officials the accused persons escaped from the spot. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence. Hence, he prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate [Criminal Side] appearing for the respondent submitted that the quantity of gravel sand involved is three units. He further submitted that there is no previous case pending against the petitioners. However, he vehemently 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 petitioners 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 have 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 petitioners 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 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 Judicial Magistrate, Arakkonam on condition that the petitioners 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 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.



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[b] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

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

[e] the petitioners 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 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]**.

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

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18.05.2023