



Crl.O.P.No.12895 of 2023

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A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police for the offences punishable under Sections 379 of Indian Penal Code 1860 and under Section 21(l) of Mines and Minerals (Development and Regulation) Act in Crime No. 118 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Anthoniraj, Tahsildar, Virudhachalam is that on 21.05.2023, while he was on inspection at Virudhachalam Circle, Neyveli Mines II, he had seen that the accused had been illegally transporting NLC sand in tipper lorries bearing registration TN 69 AB 9585 along with the JCB bearing registration No.TN 12J 2432. The abovesaid JCB was also seized. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given as against the petitioner. The petitioner has duly given the representation to the General Manager, NLC and he has granted permission to the



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petitioner to mine 15 loads of soil by using JCB. He would further submit that without prejudice to his contention, the petitioner is prepared to deposit an amount of Rs.20,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that accused had illegally transported 50 loads of NLC sand. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall make a non-refundable



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deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned** and on such deposit and on receipt of proof of payment, 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 District Munsif, Neyveli, Cuddalore** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties 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/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioner shall report before the**



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respondent Police every day at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 petitioners released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

14.06.2023

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A.D.JAGADISH CHANDIRA, J.



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