



Crl.OP.No.13394 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 21(i) Mines and Minerals (Development & Regulation) Act in Crime No.89 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 3 units of red sand by using Tipper lorry bearing Regn.No.TN-31-H-4560. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has given against him. However, without prejudice to their rights, the petitioners are prepared to deposit an amount of Rs.20,000/- towards any charitable organization or association as may be directed by this Court. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) would submit that the



petitioners have illegally transported 3 units of red sand by using Tipper lorry bearing Regn.No.TN-31-H-4560. Hence, 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 are 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 petitioners have deposited the said amount, it would not amount to admission of their 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 petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on



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condition to make a non refundable 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 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 Principal District Sessions Judge, Salem,*** on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten 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 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 **every day at 10.30 am, until further orders.**

[c]the petitioners shall not tamper with evidence or witness either



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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 are 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]**.

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

23.06.2023

Vv

A.D.JAGADISH CHANDIRA, J.



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