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Crl.O.P.No.13403 of 2023

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G.CHANDRASEKHARAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under **Section 21(i) of Mines & Minerals (Development & Regulation) Act, 1957** in **Crime No.367 of 2022** on the file of the respondent police, seeks anticipatory bail.

2.Learned counsel for the petitioners submitted that the petitioners had been falsely implicated in this case registered for the offences under Section 21(i) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.367 of 2022. Apprehending arrest this petition has been filed by the petitioners.

3. Learned Government Advocate (Criminal side) submitted that on 14.08.2022, at about 5.25 p.m., the *de-facto* complainant found a lorry bearing No.TN 30 V 9911 in the patta land of one Ramachandran in S.No.280/1, Vellar Village, Mattur Taluk, Salem District. The vehicle was found in a break down condition with sand filled partly. Considering the fact that lorry was found in a break down condition with



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sand filled partly and that sand is a red sand, lorry and the sand were seized.

4. Considering the fact that lorry and sand were seized, this court is inclined to grant anticipatory bail to the petitioners with condition.

5. Accordingly, petitioners are directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** 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, 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 the each of the petitioners shall execute a 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



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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] petitioners without prejudice to their defence shall deposit a non-refundable sum of Rs.10,000/- (Rupees Ten Thousand Only), by way of Demand Draft/RTGS/NEFT to the credit of the District Mineral Foundation Trust concerned and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioners deposit 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.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

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



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[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.

27.07.2023

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