



Crl.O.P.No.13568 of 2023

Crl.O.P.No.13568 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 and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.306 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that petitioners had illegally transported 18 units of savudu sand in three lorries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners 1, 3 and 5 are the owners of the respective lorries and the petitioners 2, 4 and 6 are the drivers of the said lorries. He further submitted that the petitioners are innocent persons and a false case has been foisted against them. However, without prejudice to his rights and contentions, the petitioner is prepared to deposit an amount of Rs.20,000/- each towards any welfare scheme run by the Government and he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.13568 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent opposed for grant of anticipatory bail to the petitioner stating that the petitioners theft of savudu sand by using lorries.

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

6. 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 each of the the petitioners shall be directed to deposit a sum of **Rs.20,000/-**, as non refundable deposit to the credit of the concerned **District Mineral Foundation Trust**, without prejudice to their rights and contentions before the trial Court. However, 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.

7. Taking into consideration the facts and circumstances of the



Crl.O.P.No.13568 of 2023

case and the submissions made by the learned counsel on either sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, **the petitioners shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand Only) each** as non-refundable deposit 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 payments, 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, Sirkali**, on condition that **the petitioners shall execute separate bonds 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



CrI.O.P.No.13568 of 2023

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 everyday at 10.30 a.m., for a period of 4 weeks and thereafter every Saturday at 10.30 a.m. until further orders.

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



WEB COPY

Lpp



CrI.O.P.No.13568 of 2023

22.06.2023



WEB COPY



Crl.O.P.No.13568 of 2023

A.D.JAGADISH CHANDIRA, J.

Lpp

Crl.O.P.No.13568 of 2023

22.06.2023