



Crl.O.P.No.14046 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No. 144 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had involved in illegal transportation of one unit of M-sand and Jalli stones by using Tractor without any valid permission. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and that they have not committed any such offence as alleged by the prosecution. He further submit that the petitioners have no previous case against them. He would also submit that without prejudice, the petitioners are prepared to deposit a sum of Rs.10,000/- to any welfare scheme of the Government and he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners had illegally transported one unit of M-sand



and Jalli stones by using Tractor without any valid permission and there is no previous cases pending against the petitioners. 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.10,000/- (Rupees Ten Thousand only) jointly** 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.

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:-

[a] the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** jointly as non-refundable deposit to the credit of the concerned **District Mineral**



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Foundation Trust within a period of fifteen (15) days from the date of receipt of a copy of this order.

[b] the petitioners shall execute separate 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 Judicial Magistrate Court No.II, Denginikottai**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[c] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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



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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]**.

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

23.06.2023

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