



Crl.O.P.No.15258 of 2023

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G. CHANDRASEKHARAN, J.

This matter is listed today under the caption "for being mentioned".

2. Learned counsel for the petitioners submitted that, the provision under the Mines and Minerals Act, is inadvertently mentioned as Section 21(5) of Mines and Minerals Act instead of Section 21(1) of Mines and Minerals Act in paragraph 1 of the order dated 12.07.2023.

3. Considering the submission of the learned counsel for the petitioners and after perusing the order dated 12.07.2023, specifically paragraph 1, this Court directs the Registry to correct the mistake in the order and issue fresh order copy by today.

4. Considering the facts and circumstances of the case, two weeks time is granted to the petitioner to comply with the conditions as directed by this Court, from the date on which, the order copy made ready.

5. Accordingly, this Criminal Original Petition is clarified.

31.07.2023

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Note: Issue order copy by today (31.07.2023).

G. CHANDRASEKHARAN, J.



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Crl.O.P.No.15258 of 2023

Crl.O.P.No.15258 of 2023

31.07.2023



Crl.O.P.No.15258 of 2023

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The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 IPC r/w 21 (5) of Mines and Minerals Act, in Crime No.590 of 2023, on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that petitioners have been falsely implicated in this case and prayed for anticipatory bail for the petitioners.

3.In response, the learned Government Advocate (Criminal side) opposed this petition and submitted that this case was registered against the petitioners for illegal transportation of 4 units of black soil on 15.06.2023, at about 1.00 p.m., near Sevilimedu – Orikkai Road.

4.Considered the rival submissions and perused the records.

5.In view of the submissions of the learned counsel appearing for the parties that the vehicle and 4 units of black soil are seized and there is no similar



Crl.O.P.No.15258 of 2023

case reported against the petitioners, this Court is of the view that custodial interrogation of the petitioners is not necessary. 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 **concerned District Mineral Foundation Trust**, 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 Judicial Magistrate - II, Kancheepuram, on condition** that 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 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 everyday at 10.30 a.m. until further orders.

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



Crl.O.P.No.15258 of 2023

WEB COPY

[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 petitioner 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.

12.07.2023

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Crl.O.P.No.15258 of 2023

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.15258 of 2023

12.07.2023