



Crl.O.P.No.16530 of 2023

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**G.CHANDRASEKHARAN. J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379, 430 IPC r/w 21 (5) of Mines and Minerals Act, in Crime No.134 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is charged for the offences under Sections 379, 430 IPC r/w 21 (5) of Mines and Minerals Act, for illegally transporting 50 kgs of river sand in his two wheeler.

3.In response, the learned Government Advocate (Crl.side) submitted that on 24.06.2023, at about 10.30 a.m., when the respondent police were in their routine check up, on seeing the respondent police, the driver of the two wheeler stopped the vehicle and escaped from spot. On search, respondent police found 50 kgs of river sand in the two wheeler bearing registration No.TN 22 CX 4500. Therefore, this case was registered against the petitioner for illegal transportation of 50 kgs of



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river sand. Petitioner has no previous case pending against him.

4.Considered the rival submissions and perused the records.

5.In view of the submissions of the learned counsel appearing for the parties that river sand involved in this case is 50 Kgs and the vehicle and the river sand are recovered and that the petitioner has no previous case pending against him, this Court is of the view that custodial interrogation of the petitioner is not necessary. Petitioner is directed to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **concerned District Mineral Foundation Trust**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Cheyyar, Thiruvannamalai**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees**



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**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 further condition that:-

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

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

[d] the petitioner 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 petitioner in accordance



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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.

**28.07.2023**

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