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3. In response, the learned Government Advocate (Crl.side) submitted that on 25.06.2023, at about 1.30 a.m., when the respondent police were in their routine check up, near Jagiri junction, on Krishnagiri National Highway, they found a Lorry bearing registration No.TN 28 AK 8473 with 3 units of norambu sand, without any valid permit. Therefore,



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case was registered against the petitioner under Section 379 IPC r/w 21
(1) of Mines and Minerals Act.

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 Lorry and norambu sand involved in this case are recovered, 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.15,000/- (Rupees Fifteen 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 Principal District and Sessions Court, Dharmapuri**, on condition that petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



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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.

[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



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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.

24.07.2023

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