



Crl.O.P.No.16586 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 IPC r/w 21 (1) of Mines and Minerals Act, in Crime No.215 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 IPC r/w 21 (1) of Mines and Minerals Act, for illegally transporting red soil without any valid permit. Apprehending arrest, this petition is filed.

3. In response, the learned Government Advocate (Crl.side) submitted that on 10.07.2023, at about 00.30 hrs, near Thirusitrambalam village, in S.No.32/3, when the defacto complainant along with his Assistant Bharathi, were in their routine check up, they found a tipper lorry bearing registration No.TN 31 AD 7124 and one JCB without registration number, illegally taking three units of red soil. The drivers of the vehicles escaped from the spot. Therefore, this case was registered



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against the petitioner for illegal transportation of red soil.

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 red soil involved in this case three units and that the vehicles and red soil are recovered, 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.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 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, Vanur, Villupuram**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to



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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 with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial



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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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