



Crl.O.P.No.20025 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals Act, in Crime .No. 205 of 2023, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported 6 units of M-sand without valid permit. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that at the time of inspection, the petitioners were unable to produce the permit and the petitioners have no previous cases against them. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the quantity of M-sand involved is 6 units. He would further submit that the petitioners have no previous cases pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. In order to curb the illegal activities of sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.25,000/- as (Rupees Twenty Five Thousand only) as non refundable deposit to the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.

6. Taking into consideration the facts of the case and the submissions made by the learned Counsel and also of the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;



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7. Accordingly, the petitioners shall make a non refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, and on such deposit and on receipt of proof of payment, the 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 **Metropolitan Magistrate No-XVIII, Saidapet, Chennai**, on condition that the petitioner shall execute separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties 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.



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[b] the petitioners shall make a non refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned.**

[c]the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

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

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 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];**

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

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