



Crl.O.P.No.21611 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379 and 431 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.478 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal transportation of 30 White Stone bars worth about Rs.12,000/- in a TATA RX vehicle. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the 1st petitioner is the owner of the vehicle and the 2nd petitioner is the driver of the vehicle. The alleged stones were purchased by the 1st petitioner for fencing his agricultural land and not for any other unlawful purpose. He would also submit that the petitioners are ready to abide by any condition imposed by this Court. Hence, 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 submitted that the petitioners have illegally transported 30 White Stone bars without any permit. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.



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7. Merely, because the petitioners deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

9. Accordingly, the petitioners shall 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 **District Mineral Foundation Trust concerned**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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 **District Munsif cum Judicial Magistrate, Pallipattu**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten



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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.

[b] the petitioners shall deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, failing which anticipatory bail granted by this Court shall stand automatically cancelled.

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

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



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[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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