



Crl.O.P.No.21969 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 Section 379 & 430 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.70 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.03.2023, the Defacto Complainant found that the first Petitioners has illegally transported four units of lake sand near Se.Agaram Village Lake in a tipper lorry bearing Reg. No.TN 20 BZ 1647, without any permit. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners is an innocent person and he has nothing to do with the allegation made in the complaint. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Petitioners is the owner of the vehicle, four units of morumbu sand was illegally transported in his vehicle. He vehemently opposed to grant anticipatory bail to the Petitioners.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case



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and also the submissions made by the learned counsel on either sides and the nature and gravity of the offence, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7. Accordingly, the Petitioners shall make a non refundable deposit of **Rs.20,000/- (Rupees Twenty 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 **learned Judicial Magistrate II, Tiruvannamalai**, on condition that the Petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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;



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[b] the Petitioners shall report before the Respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;

[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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

26.09.2023

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