



Crl.O.P.No.22326 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 379 of IPC, 21(4) and 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.254 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.05.2023 at 2 PM, when the Defacto Complainant was in HP Petrol Bunk situated at Senji to Dindivanam Road, he found that SBS Earth Movers Lorry bearing Reg. No.TN 25 BH 3929, driven by the Petitioner herein, was illegally transported rocks. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is a driver. He was informed that the transportation is registered and legalised as per Legitimate Order of Liquidator for Transitory (India) Limited dated 18.09.2019. He was under the impression that his labour is used for legally permitted work of transiting the stones and sands. He is an innocent person. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that rock was illegally transported by the Petitioner. He



vehemently opposed to grant anticipatory bail to the Petitioner.

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

6.Taking into consideration the facts and circumstances of the case 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 Petitioner with certain conditions.

7.Accordingly, the Petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees 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 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, Gingee**, on condition that the Petitioner 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:



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[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., for a period of three weeks and thereafter as and when required;

[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 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.

29.09.2023

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