



Crl.O.P.No.23859 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 & 430 of IPC in Crime No.428 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have illegally transported 5 bags each 50 kg totally 250 kg river sand. Hence, the complaint.

3. The learned counsel for the petitioner stated that this petitioner has been arrayed as Accused No.3 in this case. He further stated that this petitioner is an innocent person, he is in no way connected with the said alleged offence and he has not committed any offence as alleged by the respondent. Hence, he prays for grant of anticipatory bail.



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4. The learned Government Advocate appearing for the respondent police submitted that the quantity of river sand involved in this case is totally 250kg. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. 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 petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the District Revenue Officer, Vellore District**, without prejudice to his rights and contentions before the trial Court.

6. Taking into consideration of the above facts, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the District Revenue Officer, Vellore District**, and on



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such deposit 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, Gudiyatham**, on condition that the petitioner shall execute a 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 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 appear before the respondent police daily at 10.30 a.m., for the period of two weeks and thereafter as and when required.

[c] the petitioner shall not tamper with evidence or



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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