



CrI.O.P.No.23934 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 430,379 r/w.511 of IPC in Crime No.4 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 01.09.2023 the defacto complainant found the 1st accused who is the driver of JCB bearing registration No.H0038775 had attempted to take the soil from Samuhthiram Lake without any license or permit. Hence, the complaint.

3. The learned counsel for the petitioner stated that this petitioner has been arrayed as Accused No.2 in this case. He also stated that the petitioner is the owner of the JCB bearing registration No.H0038775 and the petitioner is no way connected with this case. He further stated that this petitioner is an innocent person and he has not committed any offence as alleged by the respondent. Hence, he prays for



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grant of anticipatory bail.

4. It is stated by the learned Government Advocate (Criminal Side) that the petitioner is alleged to have attempted to commit an offence to take the soil from Samuhthiram Lake without any license or permit. This petitioner is the owner of the JCB vehicle, hence this petitioner and other accused had wilfully committed the said offence. 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.5000/- (Rupees five Thousand only)** as non refundable deposit to the credit of the **District Revenue Officer, Tiruvannamalai**, without prejudice to his rights and contentions before the trial Court.



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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.5000/- (Rupees five Thousand only) as non refundable deposit to the credit of the District Revenue Officer, Tiruvannamalai**, and on 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 No.2, Tiruvannamalai**, 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



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[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for the period of two weeks and then 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 absconds, a fresh FIR can



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gvn/nsi

18.10.2023



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18.10.2023