



Crl.O.P.No.29942 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.367 of 2022 registered for the offences punishable under Sections 21(1) Mines and Minerals (Development & Regulation) Act, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this court. He further submits that the earlier anticipatory bail petition moved by the petitioners in Crl.OP.No.13403 of 2023 was allowed on 27.07.2023 and since the petitioners were unable to execute the surety, the petitioners approached this Court by way of second anticipatory bail petition. He also submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.10,000/- to the credit of the District Mineral Foundation Trust concerned. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government



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Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the petitioners were found to be illegally transported red sand in a tipper lorry bearing Reg. No.TN 30 V 9911. The learned counsel further submits that there is no previous cases pending against the petitioners.

4.Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.10,000/- to the credit of District Mineral Foundation Trust concerned, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5.Further, having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they 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 of receipt of a copy of this order, before the learned Principal District Sessions Judge, Salem on condition that the petitioners shall execute a separate bond for a sum of



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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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police every day at 10.30 a.m., until further orders;

[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 absconds, a fresh FIR can be registered under Section 269 of BNS.

02.12.2024

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