

Crl.O.P.No.5311 of 2016

R.MALA, J.

The petitioner apprehends arrest at the hands of the respondent police for an alleged offence punishable under Section 379 of I.P.C., r/w 21[1][IV] of Minerals and Minerals Act in Crime No.180 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the owner of the Lorry bearing Registration No.TN-70-A-6769, in which, illegally taken sand has been transported and the vehicle has been seized.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and hence, he prays for enlargement on anticipatory bail. It is further submitted that the petitioner, to show his *bona fide*, volunteered and agreed to pay a sum of Rs.10,000/- [Rupees Ten Thousand Only] towards donation to Udhavun Karangal, Thiruverkadu, Chennai.

4.The learned Government Advocate [Criminal side] appearing for the respondent would submit that the vehicle has been seized and there is no previous case as against the petitioner and the investigation is considerably over and however, he prays for dismissal of this application.

5.Considering the rival submissions made by both sides and also considering the fact that the vehicle has been seized and there is no previous case as against the petitioner and the investigation is considerably over and even though the petitioner was not arrested, neither he interfered with the investigation nor absconded from the jurisdiction, I am inclined to grant anticipatory bail to the petitioner, with certain conditions.

R.MALA, J.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.I, Krishnagiri and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousands only) towards donation to **Udhavun Karangal, Thiruverkadu, Chennai**, as volunteered and agreed by him before this Court, within a period of two weeks from the date on which, the copy of the order is made ready and on further condition that the petitioner shall report before the Court concerned daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

11.03.2016

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