

Crl.O.P.No.8220 of 2016**K.KALYANASUNDARAM, J.**

The petitioner/accused apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC read with Section 21(1)(iv) of Mines and Minerals Act, on the file of the respondent police, in Crime No.211 of 2016 and seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A2 is the owner and A1 is the driver of vehicle, the respondent police stopped the vehicle and made search and found that 3 units of sand without having valid bills and permit. The driver/A1 was arrested and statement was recorded. Based on the statement of the driver, the petitioner's/A2 name has been implicated as owner of the lorry.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is no way in connected with the offence as alleged by the prosecution. He further submitted that the petitioner, to show his bonafide, volunteered and agreed to donate Rs.10,000/-.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is no previous case as against the petitioner.

5. Considering the facts and circumstances of the case and also considering the nature of the allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Hosur 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 Thousand only) to the **"The Principal, Govt. Hr. Sec. School for Blind, Poonamallee, Chennai-600 056,** (Ph. Nos.9585109379, 9444260302) by way of DD/Cheque and the petitioner shall appear before the respondent police daily at 10.00 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.

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12.04.2016

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