

Crl.O.P.No.8957 of 2016**K.KALYANASUNDARAM,J.**

The petitioners, who are arrayed as accused 1 and 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 379 of IPC r/w Section 21(iv) of Mines and Minerals Act, in Crime No.127 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the first petitioner is driver of the lorry and the second petitioner is owner of the lorry and they were found transporting sand in their lorry illegally.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, he would submit that the petitioners, to show his bona fide, volunteered and agreed to pay a sum of Rs.10,000/- [Rupees Ten thousands only] towards donation.

4. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioners have no previous case and that the entire sand and lorry were seized.

5. Considering the above facts and circumstances of the case and further considering the fact that the entire sand and lorry were seized, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate No.I, Krishnagiri, and on each of them 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 second petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousands only) towards donation to **"CHILD CARE FOUNDATION" No.3, 4th Cross Street, Krishna Nagar, Pammal, Chennai – 600 075, Mobile No.72000 37832,** by way of Demand Draft or Cheque, 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 petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners 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.

26.04.2016

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