

Crl.O.P.No.9093 of 2016**K.KALYANASUNDARAM,J.**

The petitioners, who are arrayed as A2 and A3 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC, r/w Section 21(i) of Mines and Minerals Act, in Crime No.304 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found transporting sand in their vehicle illegally.

3. The learned counsel for the petitioners would submit that the first petitioner is the driver and the second petitioner is the owner of the vehicle, they are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners, to prove their bonafide, agreed to donate a sum of Rs.10,000/- (Rupees Ten Thousand only) each.

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 vehicle were seized.

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

K.KALYANASUNDARAM,J.

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6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, 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 petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand thousand only) by way of Demand Draft/Cheque drawn in favour of “ **Child Care Foundation**” (No.3, 4th Cross Street, Krishna Nagar, Pammal, Chennai 600 075, Ph.72000 37832) towards donation within a period of two weeks from the date on which, the copy of the order is made ready and 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.

25.04.2016

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