

Crl.O.P.No.9512 of 2016**K.KALYANASUNDARAM,J.**

The petitioner, who is arrayed as second accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w Section 21(1)(iv) of Mines and Minerals Act, in Crime No.199 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is owner of the Lorry and he was found transporting sand in his lorry illegally.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, he would submit that the petitioner, 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 petitioner has 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 tractor were seized, 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.I, Krishnagiri, and on his 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 **"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 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.

26.04.2016

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