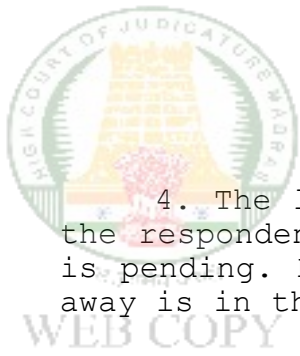




4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending. However he admits that the property alleged to be stolen away is in the custody of the respondent Police.

5. Submissions made by the learned Counsels on either sides are considered.

6. The respondent Police registered a case against the petitioners for the offence punishable under Section 379 of I.P.C. In fact, the defacto complainant who is the Assistant Geologist, Department of Geology and Mining, Krishnagiri, lodged complaint stating that during the relevant point of time, without getting permission from the Government, the petitioners herein transported the rough stone which falls under the Mines and Minerals (Development and Regulation) Act, 1975. However, the property now alleged to be stolen away was recovered by the respondent Police and therefore for the completion of investigation, custodial interrogation of the petitioners may not be necessary in this case. In otherwise, it is open to the respondent to alter the Section of law in accordance with the Mines and Minerals (Development and Regulation) Act, 1975.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Krishnagiri, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the Judicial Magistrate No.2, Krishnagiri, daily at 10.00 a.m., for a period of thirty (30) days and thereafter on all hearing dates.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

14/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE ASSISTANT GEOLOGIST,
DEPARTMENT OF GEOLOGY AND MINING,
KRISHNAGIRI.

+1CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges SR.No.2323

CRL OP.2790/2022

Date :14/02/2022

CSK 18/02/2022