



Crl.O.P.No.18460 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 and 430 IPC r/w Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.45 of 2021 on the file respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was alleged to have transported 2 ½ units of river sand illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that already this Court by an order dated 05.05.2021 in Crl.O.P.No.8609 of 2021, granted anticipatory bail to the petitioner. However, due to Covid-19 situation, the petitioner has not comply with the condition. Now, the petitioner is ready and willing to comply with the condition imposed on them and further the petitioner is ready to deposit a cost of **Rs.5,000/-** to the credit of the **Tamil Nadu Legal Services Authority** and prays for grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that the river sand involved in this case is 2 ½ of units of river sand. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is pertinent to note that this Court, already by an order dated 05.05.2021 granted anticipatory bail to the petitioner in CrI.O.P.No.8609 of 2021. However, the petitioner has not comply with the condition. The learned counsel for the petitioner submitted that now the petitioner is ready and willing to comply with the condition.

6. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- to the credit of the Tamil Nadu Legal Services Authority, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the Principal District and Sessions Judge, Thiruvannamalai, on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a cost of **Rs.5,000/-** (Rupees Five Thousand only) as non refundable deposit to the credit of the **Tamil Nadu Legal Services Authority**.

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required



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for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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