



Crl.O.P.No.25918 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Section 379 of IPC r/w Section 21 of Mines and Minerals Act, in Crime No.471 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 29.09.2022, the petitioner along with other accused have illegally transported ½ unit of sand in a Tractor without valid license. Hence, the case.

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. However, on instructions, the learned counsel would submit that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- to the credit of the Registered Advocates Clerks Association, Villupuram District, that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.25918 of 2022

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused have illegally transported ½ unit of sand without any valid license. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Gingee**, on condition that the petitioner shall execute 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 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



CrI.O.P.No.25918 of 2022

shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the Registered Advocates Clerks Association, Villupuram District within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;



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Crl.O.P.No.25918 of 2022

T.V.THAMILSELVI,J.

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[f] 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]**;

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

15.12.2022

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Crl.O.P.No.25918 of 2022