



Crl.O.P.No.27896 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.294 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that the petitioners were involved in illegal transportation of black stones using a Tractor and the same was seized by the respondent police. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners were granted anticipatory by this Court in Crl.O.P.No.19632 of 2021 vide order dated 22.10.2021. However, due to miscommunication, they did not receive the order in time and thereby, they are unable to surrender and the earlier order has got lapsed, hence, the present anticipatory bail has been filed.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the vehicle involved was seized by the respondent police. He would further submit that the petitioners were granted anticipatory bail by this Court in Crl.O.P.No.19632 of 2021 vide Order dated 22.10.2021, however they failed to surrender and execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the each of the petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand only) as cost to the **District Legal Services Authority, Cuddalore** and on such payment, 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 on which the order copy made ready, before the **learned Judicial Magistrate No-I, Viruthachalam, Cuddalore District**, on condition that each of the petitioners shall execute



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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 petitioners 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;

[b] the petitioners shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the Trial Court and the learned Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioners;

[c] the each of the petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand only) as cost to the **District Legal Services Authority, Cuddalore** and the acknowledgment for the same shall be produced before the learned Magistrate concerned at the time of execution of bond;



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[d] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners 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 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]**;

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

30.11.2022

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