



CrI.O.P.No.27892 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No. 246 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners transported three units of red sand by using Tipper Lorry bearing registration No. TN 54 V 1974 without any valid permit. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a some amount to the charitable Trust as imposed by this Court. Learned



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counsel prays to grant anticipatory bail to the petitioners.

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4.The learned **Government Advocate (Crl side)** submits that the petitioners transported three units of red sand by using Tipper Lorry bearing registration No. TN 54 V 1974 without any valid permit. He vehemently oppose for granting anticipatory bail to the petitioners.

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 petitioners with certain conditions.

6.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, Court No.II, Attur, Salem**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, with two sureties each for a like sum to the satisfaction of the



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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 are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Sri Arunodayam Charitable Trust, 45, Sivananda Nagar, Kolathur, Chennai 600 099.A/c.No.50100196910687Bank : HDFC Bank Branch : Dayalur Nagar, Villivakkam Branch,IFSC Code : HDFC0004224Cell No.91-8608971037, within a period of two weeks from the date of receipt of copy of this order, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

[b] 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.



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[c] the petitioners are directed to report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 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.

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