



CrI.O.P.No.27998 of 2021

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CrI.O.P.No.27998 of 2022

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 379, 430 of IPC r/w 21 (1) of Mines and Minerals (Development & Regulation) Act in crime No. 243 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported one unit of river sand by using TATA 407 Bearing Registration No. TN 51 B 0803, without any valid permission. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted 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 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI Side) appearing for



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the respondent submitted that the petitioner had illegally transported one unit of river sand by using TATA 407, without any permission. He further submitted that there is no previous case pending against the petitioner. However, 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 District Munsif cum Judicial Magistrate, Needamangalam**, 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



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shall stand dismissed and on further condition that:

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[a] **the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten 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 petitioner;

[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 daily at 10.30 a.m., until further orders. .

[d] the petitioner shall not tamper with evidence or



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witness either during investigation or trial.

[e] the petitioner 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 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.

08.12.2022

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