



CrI.O.P.No.28836 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest for the alleged offences punishable under Section 379 of IPC r/w Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.153 of 2022, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners have illegally transported one unit of river sand (odai sand) without permission from the Government. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent person and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, is ready and willing to contribute a sum of Rs.10,000/- each to the credit of the Registered Advocates Clerks Association, Ariyalur District, that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners have illegally transported 1 unit of river sand. He would also submit there is no previous case similar in nature pending as against the petitioners. However, he vehemently opposed for grant of 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 before the learned **Judicial Magistrate No.I at Ariyalur**, on condition that each of the petitioners shall execute 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



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Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** to the credit of the Registered Advocates Clerks Association, Ariyalur 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 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;

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

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



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[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 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]**;

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

08.12.2022

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