



Crl.O.P.No.30379 of 2022

WEB COPY

Crl.O.P.No.30379 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w Section 21 (1) of Mines & Mineral (Development & Regulation) Act, 1957, in Crime No.542 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 18.11.2022 while the respondent police was on regular inspection on Vadalur to Mandharkuppam near Gurukulam School, they found driver of the petitioner carrying 3 units of Red Sand in Lorry. Hence, the complaint was registered.

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 further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/- to the credit of the Tamil Nadu Advocate Clerk Association, Chennai that may be imposed by this Court. He prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.30379 of 2022

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioner is the lorry owner and the lorry driver has transported 3 units of red sand illegally in his vehicle. He further submitted that there is no previous case pending against 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. 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, Kurinjipadi, 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 shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Tamil Nadu Advocate Clerk Association, Chennai, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said



CrI.O.P.No.30379 of 2022

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 **daily at 10:30 a.m., for a period of four weeks and thereafter as and when required for interrogation.**

[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.

[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.

12.12.2022

dpq

Page No.3/4



WEB COPY



Crl.O.P.No.30379 of 2022

T.V.THAMILSELVI, J.

dpq

Crl.O.P.No.30379 of 2022

12.12.2022