



Crl.O.P.No.30789 of 2022

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T.V.THAMILSELVI, J.

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The petitioners who apprehends arrest for the alleged offence punishable under Sections 379, 430 of IPC read with Section 21(1) Tamil Nadu Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.250 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal transportation of river sand in three bullock cart each containing $\frac{1}{2}$ unit. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioners, on thier own volition, is ready and willing to contribute some amount for charitable purpose 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) submitted that the petitioners were found in illegal transportation of river sand in three bullock cart each containing $\frac{1}{2}$ unit. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioners has willfully and on their own volition agreed to contribute some amount for charitable purpose, 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, Jayakondam, Ariyalur District** on condition that the petitioners 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



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petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the each of the petitioners are directed to deposit a sum of **Rs.3,000/- (Rupees Three Thousand only)** to the **Advocate 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 daily at 10.30 a.m., for a period of four weeks and thereafter 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.



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[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.

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