



Crl.O.P.No.31072 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehends arrest for the alleged offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.206 of 2022 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 20.09.2022, when the respondent and his party concerned were in the raid at Nallagulahalli of Kombai, the petitioners along with other accused were found in illegal transportation of four units of Gravel sand from the Kombai Mariamman Temple land with the help of JUB bearing Registration No.KA 53 M 5416 and two tractors bearing Registration Nos.TN 57 M 9210 and TN 41 AG 0622. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged and they have been falsely implicated in this case. However, on instructions, the learned counsel submitted that the petitioners, on their own volition, are



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ready and willing to contribute a sum of Rs.10,000/- to the credit of the Registered Advocates Clerks Association, Dharmapuri, that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners along with other accused have illegally transported four units of Gravel sand. He would further submit that the bail application filed by the petitioners was dismissed on 24.11.2022 by the learned Principal District Judge. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the 2nd petitioner and with regard to 1st petitioner, this Court is inclined to grant anticipatory bail to the 1st petitioner with certain conditions.

6.Accordingly, the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned **Judicial**



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Magistrate, Pappireddipatty on condition that the 1st 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 1st petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of the Registered Advocates Clerks Association, Dharmapuri 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 1st 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 1st petitioner is directed to report before the respondent police on every Wednesday at 10.30a.m., for a period of eight weeks;



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[d] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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.

19.12.2022

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