



CrI.O.P.No.32407 of 2022

CRL.O.P.No.32407 of 2022

WEB COPY **A.A.NAKKIRAN, J.**

The petitioner, who apprehend arrest for the alleged offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.227 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.12.2022, that the accused who is the owner of the lorry, alleging that without getting appropriate approval from the competent respondents and further alleging that 2 units of sand were transited and found that the 2 units of sand is amount to theft and violation of the MMDR Act. Hence the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.side) submitted that the respondent seized 2 units of sand and no previous case pending against the petitioner. However, he vehemently opposed to grant 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 petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the *learned IX Metropolitan Magistrate, Saidapet* on condition that the petitioners shall execute a 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 Magistrate concerned and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.2000/- (Rupees Two Thousand only)** to the credit of the **SEVALAYA, No.F-2, Pushkarani Apartments, 12 Ananda Road, Alwarpet, Chennai 600 018,**



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Account Name : SEVALAYA, Account No.218601000134, Bank : ICICI Bank, Branch : Mylapore, Chennai 600 004, IFSC Code : ICIC0002186, Cell No. 9941450444 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 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.

28.12.2022

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