

**Crl.O.P.No.32441 of 2022****A.A.NAKKIRAN, J.**

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The petitioners who apprehend arrest for the alleged offence under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Cr.No.190 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that complainant is the Village Administrative Officer, Keezhmavilangai Village and he found the petitioners stating illegally transporting gravel sand (Semman) through JCB and Tipper Lorry. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioners have not committed any offence as alleged by the prosecution and the petitioners are falsely implicated in this case. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the petitioners were found in illegal transportation of gravel sand worth Rs.3,000/- in a JCB and Tipper lorry without having valid permit. He also stated that petitioners are not having any bad antecedent. However, he



strongly raised objections for grant of bail to the petitioners.

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5. Considering all those facts and the petitioners are having no bad antecedent, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate I, Tindivanam*, 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 and on further condition that:

(a) each petitioner is directed to deposit a sum of **Rs.500/- (Rupees Five Hundred only)** to the credit of the *President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)*, within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.



(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall 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;

(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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

28.12.2022

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