



CrI.O.P.No.32479 of 2022

CRL.O.P.No.32479 of 2022

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

The petitioner, who apprehend arrest for the alleged offence under Sections 379, 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.838 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 16.12.2021 based on secret information during routine surveillance the defacto complainant along with other police officials found the petitioner / accused had illegally transported 1/2 unit of river sand in Ashok Leyland Dosth vehicle and fled away. 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.



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4. The learned Government Advocate (CrI.side) submitted that the petitioner seized 1/2 unit of river Sand and no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (CrI.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 Judicial Magistrate No.II, Villupuram* 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.1000/- (Rupees One Thousand only)**, to the credit of the **Sri Arunodayam Charitable Trust, 45, Sivananda Nagar, Kolathur, Chennai 600 099,**



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A/C.No.50100196910687, Bank: HDFC Bank, Branch: Dayalur Nagar, Villivakkam Branch, IFSC Code: HDFC0004224, Cell No.91-8608971037, Tel 91-44-2651 1450 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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