



Crl.O.P.No.32525 of 2022

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A.A.NAKKIRAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.639 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police was on patrol they found the petitioners were transporting 4 units of pebbles without valid permit from the Government and further they escaped from the scene of occurrence. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners 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 submitted that the petitioners, on their own volition, they are ready and willing to contribute a some amount to any charitable trust as 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) appearing for the respondent submitted that the petitioners have transported 4 units of pebbles worth about Rs.15,000/- without valid permit from the Government. He added that there are no previous case pending against these petitioners. Hence, he opposed for grant of 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 petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-I, Ulundurpet Taluk, 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, failing which, the 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.2,000/- (Rupees Two Thousand only) each separately to the **Little**



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Hearts Rehabilitation Centre for the persons with Mental Illness

C 456, Annai Perumayiammal Kalyana Mandabam, Saravanabhavan Nagar, Maniyanur, Salem -10 A/C No.31063199342 Bank : State Bank of India Branch : Uthandi Branch IFSC Code : SBIN0011771 Cell No.9500017716, 9940617712; 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, 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.

28.12.2022

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