



Crl.O.P.No.801 of 2023

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**T.V.THAMILSELVI,J.**

The petitioners, who apprehend arrest for the alleged offences punishable under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.2 of 2023 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners have illegally transported two units of gravel sand in their vehicle, without any approval from the appropriate authority. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, on instructions, the learned counsel submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.15,000/- to the credit of the Registered Advocates Clerks Association, Dharmapuri District, that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioners have illegally transported two units of gravel sand in their vehicle. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned **Judicial Magistrate, Pennagaram**, on condition that each of 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:



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[a] the petitioners directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) jointly** 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 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 on every Saturday at 10.30 a.m., for a period of eight (8) weeks;**

[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.

**12.01.2023**

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