



Crl.O.P.No.1737 of 2023

Crl.O.P.No.1737 of 2023

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC and under Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.906 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.12.2022, when the de-facto complainant and his team were in special duty for prohibition of geography and mines department, they found that the petitioner was found to be in illegal possession of four units of sakkai kal with expired walking pass in Taras Lorry bearing Registration No.TN-02 BL 4507. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the credit of the Registered Advocates Clerk



Crl.O.P.No.1737 of 2023

Association, Kancheepuram that may be imposed by this Court. He prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner was found in illegal possession of 4 units of sakkai kal in Taras Lorry bearing Registration No.TN-02 BL 4507 by using an expired walking pass.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that the petitioner without prejudice to his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.1737 of 2023

WEB COPY

7. 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 on which the order copy made ready, before the learned **Judicial Magistrate Court No.I, Kancheepuram District** on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stands dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of **Registered Advocates Clerks Association, Kancheepuram District**, 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

T.V.THAMILSELVI, J.



Crl.O.P.No.1737 of 2023

drl

WEB COPY

the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police daily at 10.30a.m., until further orders;

[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 has been imposed and the petitioner is 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;

27.01.2023

drl

Crl.O.P.No.1737 of 2023