



Crl.O.P.No.1757 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.171 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 17.08.2022, when the defacto complainant and his subordinates were in patrol duty for prohibition of sand and mines theft, they found that the petitioners were indulged in illegal transportation of four units of Rock Sand without any proper permission, by using the vehicle bearing registration No.TN-16-F-6162.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that the first petitioner is the driver and the second petitioner is the owner of the vehicle. He further submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this



Court and he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioners by stating that the petitioners were indulged in illegal transportation of four units of Rock sand" without any valid permission by using lorry bearing Registration No.TN16 F 6162.

5. 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 petitioners without prejudice to their rights, on their own volition, are ready and willing to contribute some amount to any charitable trust, 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, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.2, Tindivanam**, on condition that the petitioners shall execute



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a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners are directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) totally**, to the credit of **Registered Advocates Clerks Association, Villupuram 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 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 10.30a.m., until further orders;**

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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[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 has been imposed and the petitioners 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

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