



Crl.O.P.No.2105 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence punishable under Section 379 of IPC and 21(1) of Mines and Minerals(Development and Regulation Act, 1957) in Crime No.29 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported the sand without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the petitioners had illegally transported the



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sand without any valid license. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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-II, Thiruttani** 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 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.

[b] the petitioners are directed to report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

[c] the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten thousand only)** to the credit of Registered Advocate Clerk Association, Thiruvallur District as a non refundable deposit.

[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.

[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



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down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

01.02.2023

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