



Crl.O.P.No.3051 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 430, 379 of IPC r/w. 21(1) Mines and Minerals (Development & Regulation Act 1957) in Crime No.68 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were illegally transported Savudu Sand by using Lorries and JCB without any license. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons. He further submitted that the petitioner have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners without prejudice their rights, on their own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.3051 of 2023

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4. Learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner was indulged in illegal transportation of Savudu Sand without any valid permit.

5. Heard the learned counsel for the petitioners 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 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.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearances, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-I, Thiruvallur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each



CrI.O.P.No.3051 of 2023

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 petitioners shall make a non refundable deposit of **Rs.30,000/- (each Rs.5000/- X 6) [Rupees Thirty Thousand Only]** to **"The Tamil Nadu Juvenile Justice Fund, Address: No.20, Ormes Road-Kilpauk, Chennai-600 010, Account Name: M/s. The Tamil Nadu Juvenile Justice Fund, A/C No. :358001000000671, Bank : Indian Overseas Bank, Branch : SME Kilpauk Branch, IFSC Code : IOBA0001288, MICR : 600020073"** within a period of fifteen (15) days 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 on every alternative days for a period of



CrI.O.P.No.3051 of 2023

two weeks and thereafter, as and when required for interrogation;

[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;

13.02.2023

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T.V.THAMILSELVI, J.

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CrI.O.P.No.3051 of 2023

To
The Judicial Magistrate – I,
Thiruvallur.

CrI.O.P.No.3051 of 2023

13.02.2023