



Crl.O.P.No.4157 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 offences punishable under Section 379 of IPC r/w Section 21(i) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.192 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have transported two units of river sand illegally through a JCB. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners were granted anticipatory bail by this Court in on 19.05.2022. However, due to health problem, they were unable to surrender and the earlier order has got lapsed, hence, the present anticipatory bail has been filed.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners were granted anticipatory bail by this Court on 19.05.2022,



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however the petitioners failed to surrender and execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration 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, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsiff Court cum Judicial Magistrate at Thandrampattu**, 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 are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** to the credit of the Registered Advocates Clerks Association, Tiruvannamalai 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 shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of two months;

[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]**;

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

24.02.2023

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