



Crl.O.P.No.3830 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 Sections 379 & 430 IPC, in Crime No.89 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused were indulged in illegal transportation of $\frac{1}{4}$ unit of river sand by using bullock cart without any valid permit.

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 submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners were indulged in illegal transportation of $\frac{1}{4}$ unit of river sand by using bullock cart, without any valid



Crl.O.P.No.3830 of 2023

licence. He further submitted that no previous case is pending as against the petitioners, however, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice their rights, on their own volition, are 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.

6. 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.

7. In order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) each to the credit of "Registered Advocate Clerks Association, Villupuram", without prejudice to their rights and contentions before the trial Court.



CrI.O.P.No.3830 of 2023

8. Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also considering the fact that the petitioners, without prejudice their rights, prepared to deposit Rs.3,000/- each to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate No.I, Villupuram***, 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 and on further condition that:



CrI.O.P.No.3830 of 2023

WEB COPY

[a] the petitioners are directed to deposit a sum of **Rs.3,000/- (Rupees Three Thousand only) each** to the credit of the “**Registered Advocate Clerks Association, Villupuram**”, 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 on every Wednesday at 10.30a.m., for a period of three months and thereafter, as and when required for interrogation;

[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 has been imposed and the petitioners is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble



CrI.O.P.No.3830 of 2023

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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;

22.02.2023

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Crl.O.P.No.3830 of 2023

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Crl.O.P.No.3830 of 2023

22.02.2023