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Crl.O.P.No.3981 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 & 430 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act , in Crime No.431 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the first accused was indulged in illegal transporting of 1 unit of river sand by using lorry, without any valid licence. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the even though, the petitioner is the owner of the lorry, she was no way connected with the alleged offence. He further submitted that the petitioner is ready to abide by any stringent conditions that

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may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the first accused was indulged in illegal transportation of 1 unit of river sand by using lorry, without any valid licence. He further submitted that the petitioner is the owner of the lorry. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice her rights, on her 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 petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

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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.10,000/- (Rupees Ten Thousand only) to the credit of “Registered Advocate Clerks Association, Ponneri", without prejudice to her rights and contentions before the trial Court.

8. Merely, because the petitioner deposit the said amount, it would not amount to admission of her 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 petitioner, without prejudice her rights, prepared to deposit Rs.10,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial***

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Magistrate No.I, Tiruvallur, on condition that the petitioner shall execute a 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:

[a] the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the "**Registered Advocate Clerks Association, Ponneri",** 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

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[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;

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T.V.THAMILSELVI, J.

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