



Crl.O.P.No.4144 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 Section 379 of IPC in Crime No.13 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have broken the rocks by using Generator Machines and transported the same without any licence. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that without prejudice to their contentions, the petitioners are prepared to deposit an amount of Rs.60,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the petitioners have broken the



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rocks by using Generator Machines and transported the same without any licence. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.In order to curb the illegal activities of transporting illegal rocks, this Court is of the opinion that the petitioners shall deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) as non refundable deposit to "The Registered Advocate Clerk Association, Krishnagiri", without prejudice to their rights and contentions before the trial Court.

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



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8.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have prepared to deposit Rs.60,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.Accordingly, the petitioners are jointly directed to deposit a sum of **Rs.60,000/- (Rupees Sixty Thousand Only) to the Registered Advocate Clerk Association, Krishnagiri** and on such receipt and receipt of proof of payment, 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 **Judicial Magistrate No.II, Krishnagiri**, 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



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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 shall report before the respondent police station on every Wednesday at 10.30 a.m., for a period of eight weeks;

(c)the petitioners are directed to file an undertaking affidavit before the trial Court that they will not cut the rocks unlawfully which belongs to the State;

(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 down by the Hon'ble Supreme Court



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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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