



Crl.O.P.No.4412 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 r/w. Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957 in Crime No.32 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were involved in illegal transportation of sand by using three different vehicles and each vehicles contains 3 units of sand. Hence this complaint.

3. Learned counsel for the petitioners would submit that the petitioners are innocent persons and that a case of sand theft has been fabricated against them. He would also submit that the petitioners are prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to petitioners.

4. Learned Government Advocate(Crl.Side) appearing for the respondent Police would submit that the petitioners herein were involved in illegal transportation of sand by using three different vehicle and the



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petitioners herein are none other than the owners and drivers of the respective vehicles. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the fact that the investigation is almost completed and also the fact that the petitioners, without prejudice to their rights, on their own volition are ready to deposit a sum of Rs.30,000/- to any of the Government Organization, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only) to the Tamilnadu Advocate Clerks Association, Chennai** 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, Ginjee**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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each, 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:

[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 Sunday at 10.30 a.m., for a period of four weeks;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e) 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



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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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

02.03.2023

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