



Crl.O.P.No.6330 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21(1) of Mines and Minerals Development Regulation Act, 1957 r/w 379 IPC, in Crime No.9 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners had illegally transported 3 units of gravel sand in the tipper lorry bearing Registration No. TN20X 8424 without any valid permission. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and they have not committed any such offence as alleged by the prosecution. He further submit that the petitioners have no previous case against them. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.15,000/- to any welfare scheme of the Government and he prays for grant of anticipatory bail to the petitioners.



Crl.O.P.No.6330 of 2023

4. The learned Government Advocate (Criminal Side) would submit that the petitioners had illegally transported three units of gravel sand without any valid permission and there is no previous cases pending against the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.15,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) totally, to the credit of **"The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem"**, and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest



Crl.O.P.No.6330 of 2023

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 Mettur**, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

[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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) totally, to the credit of "**The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem**", to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.



Crl.O.P.No.6330 of 2023

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[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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 in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

30.03.2023

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Crl.O.P.No.6330 of 2023

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Crl.O.P.No.6330 of 2023

30.03.2023