



Crl.O.P.No.11389 of 2023

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V.LAKSHMINARAYANAN. J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC r/w. Section 21 (1) of the the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.379 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was involved in illegal transportation of 1 unit of sand by using lorry without obtaining proper licence. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner was not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of **Rs.5,000/-** to the credit of the **Government Hospital, Redhills, Chennai** that may be imposed by this Court.



Crl.O.P.No.11389 of 2023

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4.The learned Government Advocate (Crl.Side) submitted that if the person is caught with illegal sand in the mining area, necessarily he could be released on bail by imposing of deposit of any amount as may be ordered by this Court.

5.In view of the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner may be directed to make a non refundable deposit of **Rs.5,000/-** (Rupees Five Thousand Only) to the credit of the **Government Hospital, Redhills, Chennai** , without prejudice to his rights and contentions. The amount so deposited shall be utilised by the **Hospital**.

6.It is made clear that the deposit of the amount by the petitioner to the **Hospital** would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.



Crl.O.P.No.11389 of 2023

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7. Considering the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl.Side), I am inclined to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate II, Ponneri*** 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) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



Crl.O.P.No.11389 of 2023

(b) the petitioner shall make a non refundable deposit of **Rs.5,000/-** (Rupees Five Thousand Only) through demand draft to the credit of the **Government Hospital, Redhills, Chennai**, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c) 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;

(d) the petitioner shall report before the respondent police as and when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take



CrI.O.P.No.11389 of 2023

appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

24.05.2023

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Crl.O.P.No.11389 of 2023

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Crl.O.P.No.11389 of 2023

24.05.2023