



WEB COPY



Crl.O.P.No.12071 of 2023

Crl.O.P.No.12071 of 2023

V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 I.P.C. r/w Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.380 of 2023. on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had transported four (4) units of black stone with the altered royalty permit using lorry bearing Regn. No.TN-85-R-4352, without any valid permit. Hence, the complaint.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the



Crl.O.P.No.12071 of 2023

respondent submitted that the petitioner had illegally transported four (4) units of black stone using lorry, without any valid permit. However, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned Judicial Magistrate-2, Kancheepuram**, on condition that 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 dismissed and on further condition that:



Crl.O.P.No.12071 of 2023

[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 1st petitioner shall report before the respondent police as and when required for interrogation; the 2nd petitioner is directed to report before the respondent police daily at 10.30 a.m., for a period of four weeks thereafter as and when required for interrogation;

[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 petitioners released on bail by the



Crl.O.P.No.12071 of 2023

V.LAKSHMINARAYANAN, J.

kas

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]**.

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

26.05.2023

kas

Crl.O.P.No.12071 of 2023