



Crl.O.P.No.12033 of 2023

WEB COPY

Crl.O.P.No.12033 of 2023

V.LAKSHMINARAYANAN, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of I.P.C r/w Section 21(i) of Mines and Minerals Act in Cr.No.332 of 2023, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported 56,900 kilograms of M-Sand in two lorries. Hence the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioners, on their own volition, is ready and willing to contribute some amount for charitable purpose that may be



Crl.O.P.No.12033 of 2023

imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the quantity of M-Sand involved in this case is 56,900 kilograms. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Poonamalee Court** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties,

Page 2 of 5



Crl.O.P.No.12033 of 2023

WEB COPY

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.20,000/- (Rupees Twenty Thousand Only) each to the Government General Hospital, Chengalpattu within a period of two weeks from the date of receipt of copy of the order and shall produce the receipt before the concerned Magistrate.

[c] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.12033 of 2023

WEB COPY

[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]*; and;

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

26.05.2023

smn



WEB COPY



Crl.O.P.No.12033 of 2023

V.LAKSHMINARAYANAN, J.

smn

Crl.O.P.No.12033 of 2023

26.05.2023