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CrI.O.P.No.12166 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379,430 of I.P.C r/w Section 21(1) of Mines and Minerals Act in Cr.No.56 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 one unit of alluvial soil. 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



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willing to contribute some amount for charitable purpose that may be 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 alluvial soil involved in this case is one unit. 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 petitioner is 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, Virudhchalam** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees**



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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:

[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.10,000/- (Rupees Ten Thousand only) each as a non-refundable deposit to the credit of Government Head Quarters Hospital, Cuddalore and the receipt of the same shall be produced before the concerned learned Magistrate at the time of execution of bond.

[c] the petitioners 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;



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[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

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26.05.2023