



Crl.O.P.No.14489 of 2023

Crl.O.P.No.14489 of 2023

G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379 IPC r/w 21 (1) of Mines and Minerals Act, in Crime No.104 of 2023, on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that first petitioner is a woman and she is the owner of the Tipper Vehicle bearing registration No.TN 38 CL 5202. Without her knowledge, it was used for the alleged illegal transportation of 3 units of Gravel sand. Thus, he prayed for anticipatory bail for the petitioners.

3.In response, the learned Government Advocate (Criminal side) opposed this petition on the ground that investigation is pending in this case.

4.Considered the rival submissions and perused the records.



CrI.O.P.No.14489 of 2023

WEB COPY

5.Taking note of the fact that the first petitioner is a woman and there is no previous case pending against her, this Court is inclined to grant anticipatory bail to the first petitioner on conditions that first petitioner is directed to make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only) by way of Demand Draft/RTGS/NEFT** to the credit of the **Hon'ble Chief Justice Relief Fund, High Court of Madras**, without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, first petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif Cum Judicial Magistrate, Madukkarai**, on condition that the first 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-



WEB COPY



Crl.O.P.No.14489 of 2023

[a] the first petitioner 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 first petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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].



WEB COPY



Crl.O.P.No.14489 of 2023

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

6.However, considering the fact that the second petitioner was the Driver of the vehicle and was responsible for illegal transportation of the Gravel sand, this Court is not inclined to grant anticipatory bail to the second petitioner. Therefore, this Criminal Original Petition is allowed as against the first petitioner and dismissed as against the second petitioner.

05.07.2023

sli



WEB COPY



Crl.O.P.No.14489 of 2023

G.CHANDRASEKHARAN. J.

sli

Crl.O.P.No.14489 of 2023

05.07.2023