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**Crl.O.P.No.14751 of 2023**

**G.CHANDRASEKHARAN. J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379 & 430 IPC and Section 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.261 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is charged for the offences under Sections 379 & 430 IPC and Section 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.261 of 2023. He further submitted that the petitioner is innocent and has been falsely implicated in this case. Thus, he prayed for anticipatory bail for the petitioner.

3.In response, the learned Government Advocate (Criminal side) submitted that this case was registered against the petitioner for illegal transportation of ¼ unit of river sand in his bullock cart and opposed this petition.



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4.It is seen from the submissions of the learned counsel appearing for the parties that the river sand and the bullock cart had been recovered. Considering the quantum of the river sand said to have been stolen and that the stolen river sand and the bullock cart had been recovered, this Court is of the view that custodial interrogation of the petitioner is not necessary. Petitioner is directed to make a non-refundable deposit of **Rs.5,000/- (Rupees Five 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 his rights and contentions before the trial Court, on such deposit and production of proof, petitioner is ordered to be released on 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 Principal District Sessions Court, Thiruvannamalai,** 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, failing



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which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

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

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

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial



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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.

**04.07.2023**

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**G.CHANDRASEKHARAN. J.**

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04.07.2023



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