



Crl.O.P.No.16711 of 2023

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WEB CRYSTAL RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.110 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant/Tahsildar, on instruction of RDO went for surveillance duty to prevent the minerals theft on 22.06.2023. At that time, a lorry bearing Reg. Nos.KL 45 V 9043 and TN 36 AJ 3346 have come in Sugar Mill Road with heavy load of rough stones without permit and when they tried to stop the vehicle, the drivers flee away from the vehicle. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is the owner of the vehicle and the case is foisted against him only for the statistical purpose. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Petitioner is the owner of the offending vehicle and in the offending vehicle two units of rough stone was transported illegally. He opposed to grant anticipatory bail to the Petitioner.



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5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel on either sides and the nature and gravity of the alleged offence, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

7. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** directly to the credit of **"Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F"**, on such deposit and production of proof, the 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 District Munsif cum Judicial Magistrate, Madathukulam**, on condition that the Petitioner 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



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anticipatory bail shall stand dismissed and on further condition that:

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[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, on every Monday 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 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]**.

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

09.08.2023

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