



Crl.O.P.No.17183 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of the Indian Penal Code, 1860 and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.239 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A2 is a driver of the vehicle. On 10.07.2023, the Assistant Director of Regional Flying Squad conducted vehicle check near Uzhagalampoondi Sasikala Quarry. At that time he along with other officials checked the petitioners vehicle bearing Registratio Nos.MP 39 H 1462 and TN 63 AH 9667 and the same was loaded with 6 units of Breaking Stones (Udaikkal) without any proper permission from concerned authority. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he was not present at the time of confiscation nor were they doing any illegal business. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (crl.side) for the respondent Police would submit the petitioner had illegally trying to take breaking stones from quarry without any permission. He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel on either side and perused the materials available on record.

6.On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of "Chief Minister's Public Relief Fund, Finance (CMPRF) Department", without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner has deposited the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

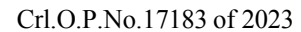


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8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- to the credit of "Chief Minister's Public Relief Fund, Finance (CMPRF) Department", this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) 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" without prejudice to his rights and contentions before the trial Court, 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 Munsif cum Judicial Magistrate at Vikravandi** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties



[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



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imposed and the 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]**.

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

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