



Crl.O.P.No.17215 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(iv) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.94 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a owner of the vehicle. On the date of occurrence the driver one Murugesan was driving the truck bearing Registration No.TN 28 AW 3849 and was carrying two unit gravel without permission from the concerned authority. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and false complaint was lodged against the petitioner only in order to harass the petitioner. 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 the 2 unit of gravel from land without any permission. 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.20,000/- (Rupees Twenty 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.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side



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and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- 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.20,000/- (Rupees Twenty 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 Judicial Magistrate, Harur** 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



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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 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., for a period of four weeks and thereafter appear before the trial Court on all hearing dates without fail.

[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



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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 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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