



Crl.O.P.No.17061 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 & 430 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.535 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 petitioners are charged for the alleged offence under Sections 379 & 430 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.535 of 2023, for illegally transporting $\frac{1}{4}$ unit of morumbu sand in a Tractor, without any valid permit. Apprehending arrest, this petition is filed.

3.In response, the learned Government Advocate (Crl.side) submitted that on 16.07.2023, at about 08.30 a.m., when the respondent police were in their routine vehicle check up, they found that the accused had illegally, using a Tractor (SWARAJ), transporting $\frac{1}{4}$ unit of



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morumbu sand, without any valid permit. He further submitted that first petitioner is the driver and the second petitioner is the owner of the vehicle. Morumbu sand and the vehicle involved in this case had been recovered.

4.Considered the rival submissions and perused the records.

5.In view of the submissions of the learned counsel appearing for the parties that morumbu sand involved in this case is $\frac{1}{4}$ unit and that the vehicle and morumbu sand involved are recovered, material part of the investigation is over, this Court is of the view that custodial interrogation of the petitioners is not necessary. Petitioners are directed to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only) each by way of Demand Draft/RTGS/NEFT** to the credit of the **Chief Minister's Public Relief Fund, Finance (CMPRF) Department,** Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF



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PAN:AAAGC0038F, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate, Arni**, on condition that petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.

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



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[d] the petitioners 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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