



Crl.O.P.No.17222 of 2023

Crl.O.P.No.17495 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Section 379 of IPC in Crime No.182 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first Accused alleged to have illegally transported the gravel sand in a tipper lorry bearing Reg. No.TN33 F 8073 without having any valid permission. At the instance of the informant while he was in routine checkup, the vehicle was seized and handed over to the Respondent. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the first Petitioner is the owner and the second Petitioner is the driver. The first Petitioner obtained prior permission from the authority, concerned to take the gravel and he had paid all the necessary charges on 23.07.2023. After getting permission only, the Petitioners took gravel from the patta land in S.F.No.206/1 situated at Ichipadi Village, Palladam Taluk to Moolanur. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Criminal Side) for the Respondent would submit that the Petitioners have transported four units of



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gravel sand. He vehemently opposed to grant anticipatory bail to the Petitioners.

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 offence, I am inclined to grant anticipatory bail to the Petitioners with certain conditions.

7.Accordingly, the Petitioners are directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Twenty Thousand only)** each 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 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 **learned Judicial Magistrate, Dharapuram**, on condition that the Petitioners 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



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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, on every Monday at 10.30 a.m., until further orders;

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

[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 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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