



*Crl.O.P.No.17686 of 2023*

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**WEB CRI RMT.TEEKAA RAMAN, J.**

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 379 & 430 of IPC r/w.21(1) of Mines and Minerals (Development and Regulation) Amendment Act, in Crime No.87 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the Petitioners are alleged to have been illegally carried out one unit sand in a TATA 407 Mini Lorry from the basin of Thenpennai River. Therefore, the Defacto Complainant seized the Tata Ace Vehicle and lodged the complaint with the respondent police. On following the complaint, the Respondent police registered the case against the Petitioners and other accused persons.

3.The learned Counsel for the Petitioners would submit that the Petitioners are farmers and fighting for the farmers cause and Respondent police deliberately implicated them in this case. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Petitioners were transported one unit of sand without permit. He is vehemently opposed to grant anticipatory bail to the Petitioners.

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



Crl.O.P.No.17686 of 2023

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 offences, this Court is 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.15,000/- (Rupees Fifteen 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 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 I, Cuddalore District**, 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 or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on



Crl.O.P.No.17686 of 2023

further condition that:

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[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 Petitioner shall report before the Respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter on every Saturday 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

**11.08.2023**

*sai*



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*Crl.O.P.No.17686 of 2023*

**RMT.TEEKAA RAMAN, J.**

*sai*

Crl.O.P.No.17686 of 2023

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