



Crl.O.P.No.18414 of 2023

Crl.O.P.No.18414 of 2023

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

The petitioners, who apprehend arrest for the alleged offences under Sections 379 and 430 of IPC and 21(1) of Mines and Minerals (Development & Regulations Act), 1957 in Crime No.604 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused had illegally transported 2 units of sand by using four bullock carts ($\frac{1}{4}$ unit in each bullock cart), without any valid licence. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He would further submit that they have nothing to do with the alleged offence and without prejudice to their contentions, the petitioners are prepared to deposit an amount of Rs.5,000/- each towards any charitable



Crl.O.P.No.18414 of 2023

organization or association. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioners along with other accused had illegally transported 2 units of sand by using four bullock carts ($\frac{1}{4}$ unit in each bullock cart), without any valid licence. He would further submit that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of "Chief Minister's Public Relief Fund, Finance (CMPRF) Department", without prejudice to their rights and contentions before the trial Court.



Crl.O.P.No.18414 of 2023

WEB COPY

7. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their 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 and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.5,000/- each to the credit of "Chief Minister's Public Relief Fund, Finance (CMPRF) Department", this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** each 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**



Crl.O.P.No.18414 of 2023

Code IOBA0001172, CMPRF PAN: AAAGC0038F" without prejudice to

their rights and contentions before the trial Court, 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, Kadpadi, Vellore** 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 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 daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;



Crl.O.P.No.18414 of 2023

[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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC;

21.08.2023

vkrr



WEB COPY



Crl.O.P.No.18414 of 2023

RMT.TEEKAA RAMAN, J.

vkrr

Crl.O.P.No.18414 of 2023

21.08.2023