



Crl.O.P.No.18267 of 2023

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RMT.TEEKAA RAMAN, J.

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The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 143, 341 and 379 of IPC and Section 21(1) of TNMMDR Act, in Crime No.243 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are carrying 1/2 unit of river sand in two bullock cart without Government permission or license to load the sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are an innocent person and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) for the respondent Police would submit that the petitioners are carrying 1/2 unit of river sand in two bullock cart without Government permission or license to load the sand. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. On considering the facts and circumstances and the 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) 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 petitioners have 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 and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.5,000/- 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.



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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)** 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 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 No.1, Mayiladuthurai**, on condition that the petitioners 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 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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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