



Crl.O.P.No.18904 of 2023

Crl.O.P.No.18904 of 2023

RMT.TEEKAA RAMAN, J.

The petitioners/A1&A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 of IPC r/w Section 21(1) of TNMMDR Act, in Crime No.899 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 4 units of Gravel "Sakkaikal" sand without valid license. Hence, the complaint.

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

4.The learned Government Advocate (crl.side) for the respondent Police would submit that the petitioner has illegally transported 4 units of Gravel "Sakkaikal" sand by using vehicle bearing Registration No.TN-85-1733. However, he opposed for grant of anticipatory bail to the petitioners.



CrI.O.P.No.18904 of 2023

WEB COPY

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.7,000/- (Rupees Seven Thousand only) to the credit of to credit of the concerned District Mineral Foundation Trust, 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 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.7,000/- to the credit of to credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court, this Court is inclined to grant bail to the petitioners with certain conditions.



CrI.O.P.No.18904 of 2023

WEB COPY

9. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.7,000/- (Rupees Seven Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, 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-II, Kancheepuram** 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



WEB COPY



CrI.O.P.No.18904 of 2023

and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall make a non refundable deposit of **Rs.7,000/- (Rupees Seven Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned.**

[c]the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

24.08.2023

nvi



WEB COPY



Crl.O.P.No.18904 of 2023

RMT.TEEKAA RAMAN, J.
nvi

Crl.O.P.No.18904 of 2023

24.08.2023