



Crl.O.P.No.21813 of 2023

Crl.O.P.No.21813 of 2023

C.V.KARTHIKEYAN. J.

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 and 430 of I.P.C, r/w 21(5) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.212 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have transported 1/4 unit of river sand by using a Tractor with Tipper vehicle bearing registration No.TN 25 BS 6230, without having any valid license. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he has nothing to do with the alleged offence and without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.10,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioner.



WEB COPY



Crl.O.P.No.21813 of 2023

4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioner is alleged to have transported 1/4 unit of river sand by using a Tractor with Tipper vehicle, without having any valid license. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of "**District Revenue Officer, Kalasapakkam**", without prejudice to his rights and contentions before the trial Court.



Crl.O.P.No.21813 of 2023

7. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his 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 petitioner has come forward to deposit an amount of Rs.10,000/- to the credit of "**District Revenue Officer, Kalasapakkam**", this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** as a non-refundable deposit to the credit of **the District Revenue Officer, Kalasapakkam**, within a period of twelve weeks from the date the order copy is made ready, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy



Crl.O.P.No.21813 of 2023

made ready, before the **learned District Munsif cum Judicial Magistrate, Kalasapakkam**, on condition that the petitioner 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 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 deposit a sum of **Rs.10,000/- as a non-refundable deposit by way of Demand Draft to the credit of District Revenue Officer, concerned District within a period of twelve weeks from the date the order copy is made ready and the receipt of the same shall be produced before the concerned learned Magistrate at the time of execution of bond. It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.**



Crl.O.P.No.21813 of 2023

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.10.2023

nvi



WEB COPY



Crl.O.P.No.21813 of 2023

C.V.KARTHIKEYAN J.

nvi

Crl.O.P.No.21813 of 2023

04.10.2023