



Crl.O.P.No.24771 of 2023

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R.KALAIMATHI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 of IPC in Crime No.488 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are alleged to have transported 1/2 unit(each) of river sand illegally from Thenpennai river by using bullock carts. Hence, the complaint.

3. The learned counsel for the petitioners stated that these petitioners are arrayed as Accused 2 and 3 in this case. He further stated that these petitioners are innocent persons, they are no way connected with the said alleged offences and they have not committed any offence as alleged by the respondent. Hence, they pray for grant of anticipatory bail.



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4. The learned Government Advocate appearing for the respondent police submitted that the quantity of river sand involved is 1/2 unit. Accused No.1 in this case is absconding. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the above facts, this Court is inclined to grant anticipatory bail to the petitioners herein with certain conditions.

6. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of **Rs.5000/- each (Rupees five thousand only) as non refundable deposit to the credit of the Vallalar Sathyagnana Sabha, Vadalur** without prejudice to their rights and contentions before the trial Court.

7. Accordingly, the petitioners are directed to deposit a sum of **Rs.5000/- (Rupees five thousand only) as non refundable deposit to**

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the credit of the Vallalar Sathyagnana Sabhai, Vadalur and on such deposit 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, Villupuram**, on condition that the petitioner 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 appear before the respondent police daily at 10.00 a.m., daily until further orders.



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

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