



Crl.O.P.No.24875 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, seek anticipatory bail in Crime No.417 of 2023 registered by the respondent Police for the offences under Section 379 IPC read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in Crime No.417 of 2023 registered by the respondent Police for the offences under Section 379 IPC read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. Thus, he seeks anticipatory bail to the petitioners.

3. It is stated by the learned Government Advocate (Crl.Side) that, the respondent police conducted the vehicle inspection near one Sambantham house at Agraharam. At that time, they found that the petitioners herein were transporting 2 units of river sand in a vehicle bearing No.TN 36 K 8242,



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without having any valid license. He also stated that A1 and A3 have no previous case, A2 has five previous cases and out of five cases, four cases are similar in nature. He further stated that the vehicle and 2 units of river sand had been seized. Thus, he prayed for dismissal of this petition.

4. Taking into consideration the fact that the vehicle and 2 units of river sand had been seized from the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are 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 made ready, before **the Judicial Magistrate – I, Mayiladuthurai**, 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:



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[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 without prejudice to their defence shall deposit a non-refundable total sum of Rs.25,000/-, jointly by way of Demand Draft to the District Revenue Officer, Mayiladuthurai District and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioners deposits 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.

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

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



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[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 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]**;

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

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