



WEB COPY



Crl.O.P.No.25115 of 2023

Crl.O.P.No.25115 of 2023

C.V.KARTHIKEYAN, J.

The petitioner herein seeks anticipatory bail in Crime No.254 of 2023 registered by the respondent Police for the offences under Section 379 IPC r/w 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in Crime No.254 of 2023 registered by the respondent Police for the offences under Section 379 IPC r/w 21(1) of Tamil Nadu Mines and Minerals (Development and Regulations) Act, 1957. Thus, he seeks anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl.Side) that, the petitioner along with other accused have transported 1 unit of river sand carried in a Tipper vehicle bearing Registration No.TN47 B 8172 using Mahindra 475 DI Tractor bearing Registration No.TN57 AE 4188, without having any valid license. Thus, he prayed for dismissal of this petition.



CrI.O.P.No.25115 of 2023

WEB COPY

4. Taking into consideration the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, 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 made ready, before **the Special Judicial Magistrate Court, Sirkali**, 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 petitioner 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.



CrI.O.P.No.25115 of 2023

[b] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.7,500/-, 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 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.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m. for a period of two weeks and thereafter, as and when required for the interrogation.

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

[e] the petitioner 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



Crl.O.P.No.25115 of 2023

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;

02.11.2023

mkn2/gd



WEB COPY



CrI.O.P.No.25115 of 2023

C.V.KARTHIKEYAN, J.

mkn2/gd

CrI.O.P.No.25115 of 2023

02.11.2023