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Crl.O.P.No.26612 of 2023

**C.V.KARTHIKEYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC read with Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.233 of 2023, on the file of the respondent police seek anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3.It is stated that the petitioner had illegally transported 1/4 unit of river sand in each of the two Bullock Carts. However, it is stated that the river sand and the Bullock Carts had been recovered.

4.Taking into consideration of the fact that the vehicle and the 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 their appearance, within a period of fifteen days

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from the date on which the order copy made ready, before the **Judicial Magistrate No.I, Jayamkondam,** 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:

[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 sum of Rs.5,000/- (Rupees Five Thousand only), jointly, by way of Demand Draft to the District Revenue Officer, Ariyalur 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 deposit 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.**

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**[c] the petitioners shall report before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required by the respondent police.**

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

[e] the petitioners 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 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.

**24.11.2023**

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**C.V.KARTHIKEYAN, J.**

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