

Crl.O.P.No.27520 of 2023

C.V.KARTHIKEYAN,J.

The petitioners seek anticipatory bail in Crime No.1344 of 2023 registered by the respondent police for the offences punishable under Sections 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals (D & R) Act, 1957 .

2. The case of the prosecution is that the petitioners are alleged to have transported 1 unit of river sand in a Tractor and Trailer. Hence, the complaint.

3. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further stated that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioners had illegally transported 1 unit of river sand without any permit. He also stated that the first petitioner/A5 is having one previous case. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, **the petitioners shall jointly make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of District Revenue Officer, Kancheepuram District**, and on such deposit and the production of proof, 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, Kancheepuram*** on condition that each of the petitioners shall execute separate bonds for a sum of

Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 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]**.

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

07.12.2023

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