



Crl.O.P.Nos.171 & 178 of 2024

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C.V.KARTHIKEYAN, J.

A4 and A5 have filed Crl.O.P.No.171 of 2024 and A6 and A9 have filed Crl.O.P.No.178 of 2024, both in crime No.169 of 2023 registered by the respondent Police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 332, 379, 430 and 307 of IPC r/w 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992 r/w 21(1) of Mines and Minerals(Development & Regulation) Act, 1957. They seek anticipatory bail.

2. It is stated that from the land of A1, the other accused had taken rough stones and had transported them by lorry bearing Registration No.TN-31-AS-7466. They did not have valid permit. When intercepted, the other accused had come in a Bolero vehicle bearing Registration No.TN-46-Y-6562 and dashed against the lorry which overturned. Thereafter, it is stated that the other accused had assaulted the respondent.

3. The learned counsel for the petitioners stated that the petitioners are innocent of the offences.



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4. A counter affidavit has been filed on behalf of the respondent, wherein it had stated that A11 is not the owner of the land, where the pebbles stones had been removed and stated that he is doing it as regular business. It is stated that the other accused those who helped him in transporting the pebbles stones.

5. However, taking all those factors into consideration this Court is inclined to grant anticipatory bail to A4, A5, A6 and A9, but however, **directing the petitioners/A4, A5, A6 and A9 to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each as non-refundable deposit to the credit of Crime No.169 of 2023, before the Judicial Magistrate No.II, Virudhachalam Taluk, Cuddalore District and A11 shall deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) as non-refundable deposit to the credit of Crime No.169 of 2023, before the Judicial Magistrate No.II, Virudhachalam Taluk, Cuddalore District. The entire amount shall be handed over by the learned Judicial Magistrate No.II, Virudhachalam Taluk, Cuddalore District to the defacto complainant.**



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6. 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 from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Virudhachalam Taluk, Cuddalore District**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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/A4, A5, A6, A9 and A11 shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.



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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 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.

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