



Crl.O.P.No.2006 of 2024

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C.V.KARTHIKEYAN. J.

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 and 353 of I.P.C read with Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.425 of 2023 on the file of the respondent police, seek anticipatory bail.

2. It is stated by the learned Government Advocate (Criminal side) that on 27.11.2023, the Revenue Divisional Officer at Kalasapakkam in Tiruvannamalai District found that the petitioners were transporting 2 ½ units of river sand in a mini lorry bearing Registration No.TN20 CY 5071. When the Revenue Divisional Officer tried to stop the vehicle, it proceeded without stopping. Another person came in a Hero Honda bike bearing Registration No.TN25 BK and prevented the Revenue Divisional Officer from discharging his duty and from stopping the mini lorry. It is stated that it was under these circumstances, the First Information Report had been registered. Hence this case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he has nothing to do with the alleged offence and without prejudice to his contentions, the petitioner is prepared to deposit amount towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

5. The earlier application seeking anticipatory bail in Crl. O.P. No.28082 of 2023 was dismissed on 03.01.2024. There is a change in circumstance that the Mini Lorry bearing Registration No.TN20 CY 5071 had been seized by the respondent police.

6. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioners are directed to deposit



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jointly a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "**District Revenue Officer, Tiruvannamalai**", without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner has deposited 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.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.20,000/- (Rupees Twenty Thousand only) jointly to the credit of "**District Revenue Officer, Tiruvannamalai**", this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners shall make a non refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only) jointly** as a non-refundable deposit to the credit of **the District Revenue Officer,**



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Tiruvannamalai, within a period of **twelve weeks** from the date the order copy is made ready, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 **learned Judicial Magistrate, Kalasapakkam, Tiruvannamalai**, on condition that each of the petitioners 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 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 jointly deposit a sum of Rs.20,000/- [Rupees Twenty Thousand only] as a



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non-refundable deposit by way of Demand Draft to the credit of District Revenue Officer, Tiruvannamalai District within a period of twelve weeks from the date the order copy is made ready and the receipt of the same shall be produced before the concerned learned Magistrate at the time of execution of 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 petitioners 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 interrogation.

[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



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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.

05.02.2024

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