



Crl.O.P.No.4315 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners/A1 & A2 seek anticipatory bail in Crime No.45 of 2024 registered by the respondent police for the offences punishable under Sections 379 and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

2. The case of the prosecution is that the petitioner was alleged to have transported 4 units of gravel Sand without any permit. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioners have illegally transported 4 units of gravel Sand without any permit. He further stated that there is no previous case pending against the petitioner. However, 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 make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of District Mineral Foundation Trust, Chennai District**, on such deposit and 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 **II Judicial Magistrate, Alandur, Chennai**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/-**



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(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



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petitioner in accordance 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]**.

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

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