



Crl.O.P.No.4583 of 2024

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C.V.KARTHIKEYAN, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and in Crime No. 25 of 2024, seek anticipatory bail.

2. It is stated that the second petitioner died and memo filed. Hence, this Petition stands dismissed with respect to the second petitioner as charges are abated.

3. The case of the prosecution is that the petitioners were found to transporting $\frac{1}{4}$ units of sand.

4. In view of these particular facts, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

5. Accordingly, the first 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 Judicial Magistrate No.2, Chidambaram, on condition that the first petitioner 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 first petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[c] the first petitioner shall deposit a sum of Rs.5,000/- to the District Revenue Officer, Cuddalore. Two weeks time is granted for deposit the said amount from the date of receipt of a copy of this order.

[d] the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the first petitioner shall not abscond 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 first 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]**.

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

19.03.2024

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