



CrI.O.P.No.4842 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of I.P.C. and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.08 of 2023 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.01.2023, the defacto complainant, who is working as a Revenue Divisional Officer gave a complaint alleging that the petitioners have loaded gravel soil in two tipper lorries bearing Regn. No.TN-18 AK-3980 (M) and TN-12 (D) 3598 without getting any permission from the appropriate authorities. Based on the alleged occurrence, the present complaint was lodged and the F.I.R. was registered in Crime No.08 of 2023.



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3. The learned counsel for the petitioners would submit that the petitioners are ranked as A1 and A2 and they have been falsely implicated in this case. He would submit that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the occurrence. He would submit that the respondent police foisted the case only for statistical purpose and there is no previous case pending against them. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that on the date of occurrence, the petitioners have loaded gravel soil in two tipper lorries without getting any permission from appropriate authorities and there is no previous case pending against them. He would also submit that if they are released on anticipatory bail, they will tamper the evidence and hamper the investigation. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Considering the above fact and circumstances of the case and also the fact that the investigation was completed and there is no previous case pending against them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Dharapuram, **on condition that each of the petitioners shall deposit a sum of Rs.25,000/- in total, a sum of Rs.50,000/- (Rupees fifty thousand only) as non-refundable deposit to the credit of Arignar Anna Government Hospital of Indian Medicine, in A/c. No.110101106507, Canara Bank, Aminjikarai, Chennai-600 029 IFSC Code : CNRB0016021 within a period of two weeks from the date of receipt of copy of this order and the petitioner shall also execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which, one surety shall be blood relative of the petitioner, 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**



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concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police on every Sunday at 10.30 a.m. for a period of three months.

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

[d] the petitioner 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 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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