



Crl.O.P.No.5417 of 2024

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WEB C **T.V.THAMILSELVI, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 430, 379 of IPC r/w Sections 21(1) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.139 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported 10 units of lake sand by using two lorries, without any valid permission. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute some amount to any charitable purpose.



Crl.O.P.No.5417 of 2024

Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are 16 previous cases pending against the 1st petitioner and there is no previous case pending against the petitioners 2 and 3. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that there are 16 previous cases pending as against the 1st petitioner, therefore, this Criminal Original Petition is dismissed in respect of the 1st petitioner. Further, there is no previous case pending as against the petitioners 2 and 3, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

6. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance before the **District Judicial Magistrate No.1 Court, at Chengalpet**, on condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/-



CrI.O.P.No.5417 of 2024

(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] each of the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Chengalpet, within a period of two weeks from the date of receipt of copy of this order, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

[b] the petitioners 2 and 3 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.

[c] the petitioners 2 and 3 are directed to report before the respondent police as and when required for interrogation.



CrI.O.P.No.5417 of 2024

[d] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

T.V.THAMILSELVI, J.

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[e] the petitioners 2 and 3 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 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]**.

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

03.04.2024

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Crl.O.P.No.5417 of 2024

Crl.O.P.No.5417 of 2024