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Crl.O.P.No.8255 of 2024

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No. 74/**2024** on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported river sand without any valid permit Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioners submit that the petitioner have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on his own volition, is ready and willing to contribute a some amount to the charitable purpose as imposed by this Court. Learned counsel prays to grant anticipatory bail to the petitioner.



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4.The learned **Government Advocate (Crl side)** submits that the petitioners transported half unit of river sand without any valid permit. He vehemently oppose for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact there is no previous case pending against the petitioner. Hence, this Court is inclined to grant anticipatory bail to the petitioner 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 of receipt of a copy of this order, before the Judicial Magistrate Court No.1, Mayiladuthurai,, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 and on further condition



that:

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[a] the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees five Thousand only) each to the credit of Registered Advocate Clerks Association, Mayiladuthurair District, within a period of two weeks from the date of receipt of copy of this order, without prejudice to his 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 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.

[c] the petitioner is directed to report before the respondent police on every Sunday at 10.30 a.m., for a period of four weeks, and thereafter as and when required for interrogation.

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



[e] the 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 petitioners 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.

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