



Crl.O.P.No.9331 of 2024

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Sections 379 and 430 of IPC r/w 21(1) of Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.297 of 2021 on the file of the respondent/police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant who is the Sub-Inspector of Police was surveillance with the other police officials on 10.08.2021 and intercepted the Tipper Lorry bearing Reg.No.TN 55 M 2346 wherein they found that the petitioners alleged to have been possessed 3 units of river sand without any approval from the appropriate authority. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the offences alleged to have been projected by the prosecution. There will be a foul play to implicate the petitioners in the said prosecution case. They are law abiding citizen and he did not commit any offence. He is ready to abide by any condition imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. Side) submitted that the petitioners is an habitual offender and hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners is directed 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 No.1, Thirupathur**, on condition that the petitioners 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 the petitioners, or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

*(b) the petitioners shall deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** each to the credit of **Registered Advocate Clerks Association, Thirupathur District**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;*

(c) the petitioners shall appear before the respondent police as and when required;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;*



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(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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