



Crl.O.P.No.12206 of 2024

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C.SARAVANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.146 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused were indulged in illegal transporting of 1 unit of river sand in their tractor, without any valid licence. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners, who are respectively the driver and the owner of the vehicle, on their own volition, to show their bonafide,



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are ready and willing to deposit some amount to the credit of crime number without prejudice to their rights. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prayed for grant of anticipatory bail to the petitioners.

4. Mr.R.Vinothraja, learned Government Advocate (Crl.Side) appearing for the respondent submitted that the accused were indulged in illegal transportation of 1 unit of river sand, without any valid licence. He further submitted that the investigation in this case is still pending, hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Merely, because the petitioners deposit the amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.



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7. Taking into consideration the facts and circumstances of the case, and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to jointly deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of Crime No.146 of 2024, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate, Gudiyatham*, 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

[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



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card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police everyday at 10.30a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners is 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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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