



Crl.O.P.No.13906 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 379, 430 of IPC r/w Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.943 of 2023 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is the owner/driver of the Ashok Leyland Lorry vide registration No.AP-39-UJ-0500 and the vehicle driver transported the river sand illegally on 23.12.2023. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence and the above said case has been falsely implicated against the petitioner by the respondent police. He is a law abiding citizen and has no necessity to commit any offence as alleged. He is ready to abide by any conditions that may be imposed by this Court. Hence he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) vehemently opposed for



grant of anticipatory bail to the petitioner. The petitioner transported 6 units of river sand illegally.

5.Heard the learned counsel for the petitioner, 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 petitioner.

7.Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tirutani, on condition that the petitioner 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 petitioner, 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) the petitioner 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 petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Sri Kalai Environment Education and Health Trust, A/C.No.33086854732, State Bank of India, IFSC Code – SBIN0011718, Velachery Branch, 100 Ft Road, Rajalakshmi Nagar, Velachery, Chennai – 42 for the purpose of cremation of dead bodies, 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 petitioner shall appear before the respondent police on every alternate day at 10.30 a.m. for a period of three weeks;

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

14.06.2024

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Crl.OP.No.13906 of 2024



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14.06.2024