



Crl. O.P. No.21687 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused, who apprehend arrest in the hand of the respondent police for the offences punishable under Section 21(1) of Mines & Minerals (Development Regulation) Act 1957 in connection with the Cr. No.471 of 2024, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant, Assistant Director, Geological Department was indulged in the duty of inspecting the vehicles in the route of Valasaravakkam Arcot Road towards Porur, on 31.07.2024 at about 11.35 p.m, found the petitioners, who were attempting to transport normal sand in a vehicle bearing Registration No.TN28 Q 6162 and the said vehicle and the materials were seized. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, that they have been falsely implicated in this case, that they had not indulged in any illegal activities as alleged by the respondent police and they are ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for



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the respondent police would contend that the petitioners have illegally transported sand in a lorry bearing Registration No.TN28 Q 6162, without having valid license and that A1 is the owner of the vehicle and A2 is the driver. Hence he objected for the grant of anticipatory bail. Further he submitted that the petitioners have no bad antecedents and properties were recovered.

5. Heard both sides and perused the materials available on record.

6. Considering the arguments putforth on either side, considering the nature of offences and quantity of materials involved in this case and that no previous case is pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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 on which the order copy made ready, before the learned **Judicial Magistrate No.I, Poonamallee** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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with two sureties each for a like sum to the satisfaction of the learned

Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.00 a.m. for a period of 4 weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[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 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered

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05.09.2024

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To

- 1.The Judicial Magistrate No.I, Poonamallee.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, SRMC Police Station, Avadi District.

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