

Crl.O.P.No.11137 of 2016**B.GOKULDAS,J.,**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC r/w 21(1) of Mines and Mineral Development and Regulation Act in Crime No.387 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that the petitioner has taken small quantity of sand for construction purpose and he has been falsely implicated in this case.

3. The learned Government Advocate (Crl.side) represented that the petitioner has indulged in illegal transport of three units of sand and the entire contraband including the vehicle have been seized

4. Heard the learned counsel on either side.

5. Taking into consideration the fact that the petitioner has no bad antecedent, this Court is to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of **fifteen (15) days** from the date of receipt of a copy of this order, before the **learned Judicial Magistrate No.II, Krishnagiri,** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees

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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 petitioner shall report before the respondent police daily at 10.30 a.m. till further orders;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial;

[d] 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 Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

25.05.2016

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