

CRL.O.P.No.12250 of 2016**S.VAIDYANATHAN, J.**

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w.21(i)(iv) of Mines and Minerals Act (sand theft) in Crime No.335 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The petitioner is the owner of the lorry. The case of the prosecution is that the petitioner along with other accused is alleged to have illegally transported sand in their lorry.

3. The learned counsel for the petitioner submitted that false case has been lodged against the petitioner and he has not committed any such offence.

4. The learned Government Advocate (Crl. Side) submitted that the lorry has been seized and there is no previous case as against the petitioner.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner is not involved in any previous case, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Hosur, Krishnagiri District, on his executing a bond for a sum

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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 arrestor 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. for a period of four weeks and thereafter as and when required for interrogation.

[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]**.

17.06.2016

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