

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC r/w 21(1)(IV) of Mines and Minerals Act and 4(1)(a) r/w.4(1-A) of TNP Act in Crime No.239 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel on either side.

3. The case of the prosecution is that the petitioner is alleged to have transported 6 Units of sand along with possession of illicit arrack of 15 bottles of Officer Choice Brandy (each 150 ml) without getting permission from the Government Authority.

3. Learned counsel for the petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. Considering the facts and circumstances of the case and considering the quantity of theft of sand and possession of illicit arrack involved in this case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is 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 Judicial Magistrate II, Hosur**, 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 or to the satisfaction of the Magistrate concerned and on further condition that each of the petitioners shall direct to deposit a sum of Rs.2,500/- to the credit of Cr.No.239 of 2016 before the Judicial Magistrate II, Hosur and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 for a period of two 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]**.

28.06.2016

kal