



CrI.O.P.No.4902 of 2022

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WEB COPY **Dr.G.JAYACHANDRAN, J.,**

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals Development Regulation Act, 1957 in Crime No.34 of 2021 seeks anticipatory bail.

2.The petitioner, who dug a well in his patta land and removed the excavated sand, is now facing the prosecution in Crime No.34 of 2021 for transporting one unit of sand, without getting proper permission. This is not a regular case of sand theft, but admittedly, he removed one unit of excavated sand while digging well in his patta land.

3.Considering the facts of this case, this Court is inclined to grant anticipatory bail to the petitioner.

4.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order,



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before the learned **Judicial Magistrate-I, Vridhachalam**, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 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 shall report before the Investigation Officer as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

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



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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]***; and;

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

5.Further, it is made clear that grant of anticipatory bail to the petitioner will not stand in the way of the authorities concerned to complete the investigation in a proper manner.

07.03.2022

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