



Crl.O.P.No.5285 of 2022

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Dr.G.JAYACHANDRAN, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.103 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when on 27.02.2022, the respondent police was conducting a routine vehicle checkup, the petitioner was found in possession of ¼ unit of river sand in bullock cart without any valid license.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) for the respondent police submitted that the contraband has been seized by the respondent police and the investigation is pending.

5.Considering the above fact, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on



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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, before the learned **Judicial Magistrate Court, Cheyyar**, on condition that **the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only)**, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a) the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** before **the concerned District Collector's Fund as non-refundable deposit**, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner. After receipt of the above said amount, the same has to be deposited by the concerned District Collector to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit;

(b) The above said condition shall be complied within a period of 10 days from today.

(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the Investigation Officer as and when required for interrogation.

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

(f)the petitioner shall not abscond either during investigation or trial;

(g)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]*; and;

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

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It is made clear that the grant of anticipatory bail to the petitioner will not stand in the way of the Authorities concerned to proceed with the confiscation proceeding of the bullock cart involved in the illegal transportation of the river sand.

07.03.2022

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