



Crl.O.P.No.19109 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 IPC r/w. Section 21(1) Mines and Minerals (Development & Regulation) Act in Crime No.335 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have illegally transported ½ unit of river sand in a tractor. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is the owner of the vehicle. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner have illegally transported ½ unit of river sand in a tractor. He



Crl.O.P.No.19109 of 2022

WEB COPY

would also submit that the petitioner has no previous case against him.

However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.5000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the Tamil Nadu State Legal Services Authority, Chennai, and on such deposit, 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 on which the order copy made ready, before the learned Judicial Magistrate, Gudiyatham, Vellore District 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



CrI.O.P.No.19109 of 2022

WEB COPY

the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall deposit Rs.5000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the Tamil Nadu State Legal Services Authority, Chennai.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[f] 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



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Crl.O.P.No.19109 of 2022

G.K.ILANTHIRAIYAN,J.

Anu

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

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

12.08.2022

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Crl.O.P.No.19109 of 2022