



Crl.O.P.No.19724 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 & 430 of IPC r/w 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.812 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is alleged to have transported 1 unit of river sand illegally.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail on 15.02.2022 in Crl.O.P.No.3508 of 2022. Due to personal inconvenience, the petitioner was not able to execute the sureties and therefore, the petitioner has again filed the present petition seeking for anticipatory bail. On instructions, he would further submit that the petitioner is ready and willing to



Crl.O.P.No.19724 of 2022

WEB COPY

contribute a sum of 25,000/- for any welfare activities as may be ordered by this Court and prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has not complied with the conditions as imposed by this court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148, and on such deposit the petitioner is ordered to be



CrI.O.P.No.19724 of 2022

WEB COPY

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, Sirkhazhi* 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 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 a sum of Rs.25,000/- (Rupees Twenty five thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148.



Crl.O.P.No.19724 of 2022

WEB COPY

[c] the petitioner shall report before the respondent police daily at 10.30 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

22.08.2022

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