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CrI.O.P.No.24323 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals Act, in Crime No.227 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 29.07.2022, while the respondent police is on their regular vehicle checkup, the petitioners were found in transportation of 3 units of gravel soil in a tipper lorry worth about Rs.1,737/-. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and that they did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that on 29.07.2022, while the respondent police is on their regular vehicle checkup, the petitioners were found in transportation of 3 units of gravel soil in a tipper lorry worth about Rs.1,737/-. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the Petitioners, this Court is inclined to grant anticipatory bail to the Petitioners subject to the following conditions.

6. Accordingly, the Petitioners are directed to deposit a sum of **Rs.5,000/-(Rupees Five Thousand only) each**, as non refundable deposit to **the credit of the District Mineral Foundation Trust concerned**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioners surrender before the learned Judicial Magistrate Court No.II, Sankagiri, within a period of fifteen days from the date of receipt



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of a copy of this order, on executing a bond for a **sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties** for a like sum/amount to the satisfaction of the learned Judicial Magistrate Court No.II, Sankagiri.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioners surrender and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioners shall report before the Respondent Police daily at 10.00 a.m., until further orders;

(c) the Petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioners shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself 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.

06.10.2022

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