



Crl.O.P.No.24367 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 of IPC r/w Section 21(1) of Mines and Minerals Act, in Crime No.406 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 24.09.2022, while the respondent police was on their regular vehicle checkup, the petitioner was found involved in transportation of 250 Kgs of sand in Splender two wheeler without valid license. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and that he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that on 24.09.2022, while the respondent police was on their regular vehicle checkup, the petitioner was found in transportation of



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250 Kgs of sand without valid license. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)**, 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 petitioner is 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 petitioner surrender before the learned Judicial Magistrate, Gudiyatham, within a period of fifteen days from the date of receipt 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, Gudiyatham.



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

(c) the petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



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(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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