



CrI.O.P.No.26965 of 2022

CRL.O.P.No.26965 of 2022

WEB COPY **A.A.NAKKIRAN, J.**

The petitioner, who apprehend arrest for the alleged offence under Sections 379 of IPC read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.174 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 04.10.2022 as per reliable information when the respondent police along with other police parties went to patrol, at that time after seeing the respondent police he was escaped from the scene of occurrence and found that he was transported 1/2 units of Odai sand in his bullock cart without valid permit from the Government. Hence the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (CrI.side) submitted that the respondent seized 1/2 unit of Odai sand in bullock cart and no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (CrI.side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, 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 of receipt of a copy of this order, before the *learned Judicial Magistrate No.II, Villupuram* on condition that the petitioners shall execute a separate 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.1000/- (Rupees Thousand only)** to the credit of the **Society for the Educational and Economic Development (SEED) Reg., Sriperumbudur, Account Name:**



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SEED, Account No:2926101000002, Canara Bank, Sriperumbudur, IFSC CNRB0002926, Cell No.9944812053 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioner is directed to report before the respondent police **daily at 10:30 a.m., for a period of four 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.

28.12.2022

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