



Crl.O.P.No.32519 of 2022

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A.A.NAKKIRAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.728 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant Tahsildar, Mettur Taluk found the petitioner's lorry bearing Reg.No.TN48Q3567 was in possession of 3 units of Red sand without any valid permit. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, he is ready and willing to contribute a some amount to any charitable trust as imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is the owner of the Lorry and



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the vehicle had been used for illegal transportation of 3 units of Red Sand worth Rs.6,000/-. He further submitted that there are no previous case pending against this petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.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 before the learned Judicial Magistrate No.II, Mettur, 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 is directed to deposit a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred only) to the credit of the **Little Hearts Rehabilitation Centre for the persons with Mental Illness** C 456, Annai Perumayiammal Kalyana Mandabam, Saravanabhavan Nagar, Maniyanur, Salem -10, A/C No.31063199342 Bank : State Bank of India, Branch : Uthandi Branch IFSC Code : SBIN0011771



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Cell No.9500017716, 9940617712 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.



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

28.12.2022

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