



Crl.O.P.No.541 of 2023

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WEB **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.365 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant and their team were on regular patrol, they found that the petitioner transported one unit of river sand illegally in Swaraj Mazda Mini Van bearing Registration No.TN 74 AB 1825. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the quantity of sand involved is one unit of river sand. He would also submit that the petitioner has 5 previous case against him. Hence, he



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vehemently opposed to grant anticipatory bail to the petitioner.

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5. Though, this Court had dismissed the earlier anticipatory bail petition filed by the petitioner, the respondent failed to secure the petitioner so far. Therefore, no purpose would served by keeping the petition pending.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of **Rs.15,000/-** (Rupees Fifteen Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431** and on such deposit, 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 on which the order copy made ready, before the learned Judicial Magistrate, Gudiyatham, 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



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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.15,000/-** (Rupees Fifteen Thousand only) as non refundable deposit to the credit of **the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431.**

[c] the petitioner shall report before the respondent police daily at 10.30 a.m, 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



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Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

23.01.2023

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