



Crl.O.P.No.8320 of 2023

Crl.O.P.No.8320 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 774 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were involved in illegal transportation of 1/2 unit of river sand by using bullock cart. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the third application for anticipatory bail and the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.13850 of 2022 with a condition to deposit a sum of Rs.3,000/- as non refundable deposit to the credit of Registered Advocate Clerk Association, Ariyalur District. Due to paucity of funds, he was unable to execute the sureties in time and the order has got lapsed. He further submit that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.8320 of 2023

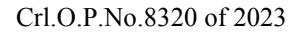
WEB COPY

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P.No.13850 of 2022 on 16.06.2022. He would further submit that he failed to execute the sureties within time and thereby, the earlier order has got lapsed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall make a non-refundable deposit of a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Taluk Legal Services Authority attached to the Court concerned and on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a



[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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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



WEB COPY



Crl.O.P.No.8320 of 2023

A.D.JAGADISH CHANDIRA,J.

drl

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]**.

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

05.06.2023

drl

Crl.O.P.No.8320 of 2023