



Crl.O.P.No.15232 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.72 of 2023, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that petitioner is falsely implicated in Crime No.72 of 2023, registered under Sections 379 IPC r/w Section 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957 and prays for anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.side) submitted that petitioner had illegally transported 3 units of pebble stones in a lorry bearing No.TN 76 S 4786 near Thittagudi bus stand without any valid permission. The value of 3 units of pebble stones is about Rs.45,000/-. Hence, he opposed to grant anticipatory bail to the petitioner.



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4.Considered the rival submissions and perused the records.

5.It is seen from the FIR allegations that there is no mention about the quantity of pebble stones illegally taken. Considering the fact that the lorry and the pebble stones had been recovered, this Court is of the view that custodial interrogation of the petitioner is not necessary. Petitioner is directed to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft/RTGS/NEFT** to the credit of the **concerned District Mineral Foundation Trust**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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, Thittagudi**, 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



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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 report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or 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 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



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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.

12.07.2023

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