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Crl.O.P.No.10674 of 2023

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K.GOVINDARAJAN THILAKAVADI, J.,

The petitioners, who apprehend arrest for the alleged offences under sections 379 of I.P.C., and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.69 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant one Aslam, the second Grade Police Constable while patrolling within the limit of Vedaranyam Police Station, the vehicles viz., JCP Machine, Hitachi, 14 Tractors were parked for the purpose of loading sand without possessing any valid licence. Totally there are six accused involved in this case and A1 is the JCP Operator, A3, A4 & A5 were the owners of the Tractors. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely



Crl.O.P.No.10674 of 2023

implicated in this case. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police opposed for grant of anticipatory bail to the petitioner stating that the petitioner had illegally transported the sand without any valid permit from the Government by using one JCP Machine, Hitachi and 14 Tractors. Hence, he opposed for granting anticipatory bail to the petitioners.

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

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain



Crl.O.P.No.10674 of 2023

conditions.

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif-Cum-Judicial Magistrate, Vedaranyam**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;**



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Crl.O.P.No.10674 of 2023

K.GOVINDARAJAN THILAKAVADI, J.,

dna/vum

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

10.05.2023

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