



Crl.O.P.No.11365 of 2023

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V.LAKSHMINARAYANAN. J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 379 and 430 of IPC in Crime No.46 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were involved in illegal transportation of mined sand by using backhoe loader (JCB) bearing No.TN 23 DZ 6052 without obtaining proper licence. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution. He would submit that they have been falsely implicated in this case and however, they are ready to furnish substantial sureties and any conditions to be imposed by this Court for grant of anticipatory bail. Hence, the learned counsel prays to grant anticipatory bail to the



4.The learned Government Advocate (Crl.Side) submitted that if the person is caught with illegal sand in the mining area, necessarily he could be released on bail by imposing of deposit of any amount as may be ordered by this Court.

5. Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate, Kattpadi, Vellore District*** on condition that the petitioners shall execute a separate bond each for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a



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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 and on further condition that:

(a) if the petitioners fail to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police **as and when required** for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



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(f) 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

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