



Crl.O.P.No.12237 of 2023

WEB COPY

Crl.O.P.No.12237 of 2023

V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 430 and 379 of IPC and Section 4(1)(1A) 21(1), 21(2), 21(4) and 21(6) of Mines and Minerals (Development & Regulation) Act 1957 in Cr.No.177 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner along with other accused was alleged to have transported 2 units of black stone in a Mini Tipper Lorry bearing registration No.TN-29-BB-0618 without valid licence. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner's earlier anticipatory



Crl.O.P.No.12237 of 2023

WEB COPY

bail petition was allowed by this Court in Crl.OP.No.26468 of 2022 dated 01.11.2022, but, the petitioner was not executed the surety within a time, and the said order got lapsed. Hence, the present petition and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the quantity of black sand involved is 2 units. He further submitted that this Court allowed petitioner's earlier anticipatory bail petition vide order dated 01.11.2022 in Crl.OP.No.26468 of 2022. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on anticipatory bail in the event of arrest or on his appearance, within a



CrI.O.P.No.12237 of 2023

WEB COPY

period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Dharmapuri** 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 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 Court concerned 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 on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required.**

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



CrI.O.P.No.12237 of 2023

WEB COPY

(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 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;

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

26.05.2023

Vv



WEB COPY



Crl.O.P.No.12237 of 2023

V.LAKSHMINARAYANAN, J.

Vv

Crl.O.P.No.12237 of 2023

26.05.2023