



Crl.O.P.No.12157 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 and 430 of I.P.C,1860 r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.74 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported ½ unit of Stream Sand. Hence the complaint.

3. The learned counsel appearing for the petitioner submit 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. Hence, he 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 Stream Sand involved is ½ units. Hence, he opposed to grant anticipatory bail to the petitioner.



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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 period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate-I, Gudiyattam** 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;



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(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;

(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

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