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Crl.O.P.No.11989 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 of IPC read with Section 21(5) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.175 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 1 ½ units of river sand in a vehicle bearing Reg. No. TN 67 D 2017 without valid permit. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him for statistical purpose. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that petitioner had illegally transported 1 ½ units of river sand in a vehicle bearing Reg. No. TN 67 D 2017 without valid license. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration, the facts and circumstances of the case and the submission made by the learned counsel appearing on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the 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 District Munsif cum Judicial Magistrate, Kalasapakkam, on condition that the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the



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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 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 every Saturday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the Government Tiruvannamalai Medical College & Hospital, Tiruvannamalai within a period of two weeks from the date of receipt of copy of the order and shall produce the receipt before the concerned Magistrate.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

26.05.2023

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