



Crl.O.P.No.15117 of 2023

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G.CHANDRASEKHARAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Section 379 of IPC read with 21(1) of Mines and Mineral (Development & Regulation) Act 1957 in Crime No.328 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the petitioner was granted valid transit pass for transporting 9 cubic meters of jelly stones on 12.06.2023 in vehicle bearing Registration No.KA 51 AG 4726. However, this case came to be registered stating that the jelly stones was transported not within the time allotted. In support of his submissions he also produced the original transit pass.

3. In response, learned Government Advocate (Criminal side) submitted that the transit pass appears to be genuine.

4. Considered the rival submissions. It is seen from the First Information Report allegations that on 12.06.2023, at about 4.20 p.m., the Deputy Tahsildar along with the other officials were



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engaged in vehicle check, where they found vehicle bearing No. KA 51 AG 4726 transporting jelly stones beyond the timings permitted. It is not known how a criminal case came to be registered for transporting jelly stones beyond the time limit, when there is a valid transit pass.

5. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate No.I, Hosur**, on condition that the petitioner shall execute a 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 petitioner and the sureties shall affix



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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 everyday at 10.30 a.m., until further orders;

[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 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].

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



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