



Crl.O.P.No.14910 of 2023

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G.CHANDRASEKHARAN, J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.114 of 2023, on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that A7 one Gopalakrishnan's wife Bhagiyalakshmi is the owner of the land in S.Nos.286/1A and 286/1B in Neermullai range, Aayimoor Village, Thirukuvallai circle, Nagapattinam district. She got permission for taking savudu sand for levelling the land and for agricultural and house construction purpose. Therefore, the sand was removed with necessary permission. However, the police has registered a false case for the reason that they have not produced any permit.

3. When the matter was taken up for hearing on 13.07.2023, learned counsel for the petitioners produced the permit granted for taking sand. This Court directed the learned



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Government Advocate (Crl.side) to verify the permit and report today.

4. Today, learned Government Advocate (Crl.side) produced a letter from the Thasildhar, Thirukuvalai stating that the said Bhagiyalakshmi was granted permission for taking sand as per the proceedings in Na.Ka.No.1120/2023/A3 dated 22.06.2023.

5. In the said circumstances and also in view of the fact that the sand and the vehicle used for taking sand has been seized, this Court is of the view that custodial interrogation of the petitioners is not necessary and this Court is inclined to grant anticipatory bail to the petitioners. Petitioners are ordered to be released on bail in the event of their arrest or on their 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, Vedaranyam**, on condition that petitioners shall execute separate 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



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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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



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[e] 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 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.

18.07.2023

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