



Crl.O.P.No.15112 of 2023

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G.CHANDRASEKHARAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under **Section 379 of IPC read with Section 21(1) of Mines and Mineral (Development & Regulation) Act 1957 in Crime No.318 of 2023** on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that the petitioners have transported jelly stones with the appropriate transit pass, however, a case was registered alleging that the petitioners had transported the jelly stones without permit. At the end of his submissions, he produced a transit pass to show that the vehicle bearing Registration No.KA 59 AG 5026 was granted permission for transporting 9 cubic meters of jelly stones on 10.06.2023.

3. In response, learned Government Advocate (Criminal side) on instructions from the concerned respondent police submitted that transit pass produced by the learned counsel for the petitioners appears to be genuine.

4. In the said circumstances, this Court is of the view that,



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custodial interrogation of the petitioners are not necessary.

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5. Thus, the petitioners are ordered to be released on bail in the event of arrest or on their 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 each of the petitioners shall execute a 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 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



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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.

[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 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].

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

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6. The respondent police is directed to verify the genuineness of the transit pass. If the transit pass itself is not genuine, the respondent police is directed to approach this Court for cancellation of bail.

14.07.2023

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