



Crl.O.P.No.15572 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 and 430 of I.P.C r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.72 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of learned counsel for the petitioners that petitioners are falsely implicated in this case. Apprehending arrest, this petition is filed seeking anticipatory bail.

3. In response, the learned Government Advocate (Criminal side) submitted that on 27.06.2023 at about 03.15 Hrs. at Pazhyapattinam to Kotteri Main Road, Pazhyapattinam near Reddiyarpalayam Water Tank the petitioners were found illegally transporting 1/4th unit of river sand without any proper permission receipt, in a bullock cart and no previous case is pending against these petitioners.



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CrI.O.P.No.15572 of 2023

4. Considered the submissions and perused the records.

5. Considering the quantity of the river sand said to have been stolen by the petitioner and its recovery, this Court is of the view that custodial interrogation of the petitioner is not necessary. Petitioner is directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Twenty Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to his rights and contentions before the trial Court. On such deposit and production of proof, petitioners are 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 - II, Vridhachalam**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** 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:-



CrI.O.P.No.15572 of 2023

[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 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 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.

17.07.2023

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Crl.O.P.No.15572 of 2023

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Crl.O.P.No.15572 of 2023

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