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Crl.O.P.No.15807 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 I.P.C and 21(1) of Mines & Minerals (Development & Regulation) Act, 1957** in **Crime No.242 of 2023** on the file of the respondent police, seeks anticipatory bail.

2.Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case registered for the offences under Sections 379 I.P.C and 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.242 of 2023. Apprehending arrest this petition has been filed by the petitioner.

3. Learned Government Advocate (Criminal side) submitted that petitioner was found illegally transporting 4 units of rough stones at about 11.15 p.m., on 05.07.2023 between Marakkanam – Tindivanam Road in lorry bearing Registration No.TN-16-F-1716. The lorry and the rough stones were seized.



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4. Considering the fact that the rough stones and the lorry were seized, this Court is of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five 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, 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-II, Tindivanam**, 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:-



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[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 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.

20.07.2023

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