



Crl.O.P.No.16909 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Kumaran and Rajkamal, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 379 and 430 of I.P.C. And Section 21(1) M & M (Development & Regulation) Act in Crime No.200 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 Crime No.200 of 2023 for the offence under Section 379 and 430 of I.P.C. And Section 21(1) M & M (Development & Regulation) Act. Petitioners are innocents. Apprehending arrest, this petition is filed seeking anticipatory bail.

3. In response, the learned Government Advocate (Criminal side) submitted that, on 15.06.2023, petitioners were found illegally transporting sand in two bullock carts, each weighing quarter unit. He further submitted that sand and the bullock carts involved were recovered. There is no similar previous case pending against the



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petitioners.

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4. Considered the submissions and perused the records.

5. Considering the quantity of the sand, said to have been stolen by the petitioners and its recovery and that petitioner has no previous case pending against them and that material part of the investigation might have been over by this time, this Court is of the view that custodial interrogation of the petitioners is not necessary. Petitioners are directed to make a non-refundable deposit of **Rs.5,000/- each by way of Demand Draft/RTGS/NEFT** to the credit of the **concerned District Mineral Foundation Trust**, without prejudice to their 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate Ambur**, on condition that the petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two**



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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 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].



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

02.08.2023

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