



Crl.O.P.No.17009 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.446 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is falsely charged by the respondent police for the alleged offence under Sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.446 of 2023, for illegally transporting savudu sand from the land of Vaidhiyanathan in unnumbered Green Colour John Deere Tractor and JCB Machine bearing registration No.KA 01 MK 4547 without any valid permit.

3.In response, the learned Government Advocate (Crl.side) submitted that on 04.06.2023, when the respondent police were in their patrol duty within the limits of Thiruthuraipoondi police station at



Crl.O.P.No.17009 of 2023

Desingurajapuram, they found that the accused had illegally, using JCB bearing Registration No. KA 01 MK 4547 and one unnumbered Green Colour John Deere Tractor, attempted to take Savudu sand from the land of Vaidhiyanathan, without any valid permit. He further submitted that petitioner herein is the second accused and the vehicles in this case had been seized.

4.Considered the rival submissions and perused the records.

5.In view of the submissions of the learned counsel appearing for the parties that the petitioner had only attempted to take savudu sand from the land of Vaidhyiyanathan and that the vehicles in this case had been seized, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail for the petitioner. Therefore, 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, Thiruthuraipoondi**, on condition that the



Crl.O.P.No.17009 of 2023

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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:-

[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



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Crl.O.P.No.17009 of 2023

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.

03.08.2023

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Crl.O.P.No.17009 of 2023

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Crl.O.P.No.17009 of 2023

03.08.2023