



Crl.O.P.No.20132 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Ramu, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379, 430 of Indian Penal Code r/w 21(1) Mines & Minerals (Development & Regulation) Act in Crime No.70 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 charged for the offences under Sections 379 & 430 IPC r/w 21 (1) of Mines and Minerals Act, for illegally transporting $\frac{1}{4}$ unit of lake sand in bullock cart. He further submitted that, sand involved in this case is of small quantity and it is only for residential purpose of the petitioner. Thus, he seeks anticipatory bail for the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that, on 27.06.2023, at about 1.45 a.m., when the respondent police were in their routine vehicle check up, they found a bullock cart with $\frac{1}{4}$ unit of lake sand. Therefore, case was registered against the



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petitioner for illegal transportation of $\frac{1}{4}$ unit of lake sand. Petitioner has one previous case pending against him. Thus, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

4.1. This is the second anticipatory bail petition. Earlier anticipatory bail petition in Crl.O.P.No.15351 of 2023 was dismissed on 20.07.2023. It appears that, respondent police have not taken any effective steps for arresting the petitioner, rather, it appears that respondent police have no interest in arresting the petitioner.

5. In the said circumstances and to take the case to the next level and also considering the quantity of the sand seized 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 petitioner is not necessary and the 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,**



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Viruthachalam, 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:

[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].

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

04.09.2023

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