



Crl.O.P.No.20185 of 2023

WEB COPY

Crl.O.P.No.20185 of 2023

RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 465 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is alleged to have transported $\frac{1}{4}$ (quarter) unit of Gravel sand in a Tractor without proper permission. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the owner of the vehicle and he is ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for



CrI.O.P.No.20185 of 2023

the respondent submitted that the quantity of Gravel sand involved is 1/4 unit. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, **the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as a non-refundable deposit to the credit of District Revenue Officer, Salem District,** and on such donation, 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 Court, Omalur,** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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



CrI.O.P.No.20185 of 2023

WEB COPY

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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as a non-refundable deposit to the credit of District Revenue Officer, Salem District, and the receipt of the same shall be produced before the concerned learned Magistrate at the time of execution of bond.

[c] Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[d] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.20185 of 2023

WEB COPY

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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]*; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

05.09.2023

ata

RMT.TEEKAA RAMAN,J.

ata



WEB COPY



CrI.O.P.No.20185 of 2023

CrI.O.P.No.20185 of 2023

05.09.2023