



Crl.O.P.No.20555 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379 of I.P.C r/w Section 21(1) of Mines and Minerals Act, 1957, in Crime No.556 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have transported 5 units of Morambu sand by using a Tata Tipper, without having any valid license. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner got approval from the Government to transport the sand. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioner has illegally transported 5 units of Morambu sand by using a Tata Tipper, without having any valid license. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side that the petitioner is having valid approval from the Government to transport the sand and the same is said to have been identified in the F.I.R, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Tiruvannamalai**, on condition that the petitioner shall execute a separate 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 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.



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[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]**.

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

07.09.2023

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