



Crl.O.P.No.21129 of 2023

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WEB CRI RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Section 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.341 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the Defacto Complainant visited Poigaikudi Village on duty and found that the Accused using his unregistered tractor vehicle New Holland (Blue colour) together with 4 others through their vehicles viz., (1) JCB bearing Reg. No.TN 19 A 7484, (2) Mahendra Tractor bearing Reg. No.TN 82 L 5672, (3) unregistered Silver colour Eicher van & (4) unregistered red colour Mahendra Tractor, loading river sand without any prior permission. Hence the complaint

3.The learned Counsel for the Petitioner would submit that the Petitioner was not involved in river sand theft as alleged by the prosecution. The Defacto Complainant was wrongly implicated in this case. At the time of occurrence, the Petitioner and his driver are not in the place of occurrence. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent



would submit that the Petitioner illegally transported two units of sand. He vehemently opposed to grant anticipatory bail to the Petitioners.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either sides and the nature and gravity of the offence, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

7.Accordingly, the Petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, and on such deposit and on receipt of proof of payment, 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 Metropolitan Magistrate I, Mayiladuthurai**, 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



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further condition that:

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[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., for a period of three weeks and thereafter as and when required;

[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]**.

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

15.09.2023

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