



Crl.O.P.No.21992 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 Sections 379 of Indian Penal Code, 1860, r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.1196 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 31.08.2023 at about 14.00 hours, the Defacto Complainant found that the Petitioner and other accused were involved in illegal transportation of four units of M-sand in a tipper lorry bearing Regn.No.TN 34 AB 7929, without getting proper permission. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is an innocent person and he is the owner of the lorry and the Petitioner is ready to cooperate with the Respondent Police for interrogation. 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 has illegally transported four units of M-sand and he vehemently opposed to grant anticipatory bail to the Petitioner.



Cr1.O.P.No.21992 of 2023

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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 is directed to make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty 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 Magistrate IV, Salem, Salem District**, 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



Crl.O.P.No.21992 of 2023

WEB COPY

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.

26.09.2023

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CrI.O.P.No.21992 of 2023

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CrI.O.P.No.21992 of 2023

26.09.2023