



Crl.O.P.No.24046 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Crime No.399 of 2023 registered by the respondent police for the offences punishable under Sections 379 & 430 of IPC r/w 21(5) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The case of the prosecution is that the petitioner was alleged to have transported 1/4 unit of river sand in a two tyre bullock cart without any valid permit. Hence, the complaint.

3. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further stated that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioner had illegally transported 1/4 unit of river sand without any permit. 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 subject to the following conditions:

6. Accordingly, **the petitioner shall make a non-refundable deposit of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of District Revenue Officer, Thiruvannamalai District**, and on such deposit and the production of proof, 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 **Judicial Magistrate Court, Cheyyar**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties for a like



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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., for a period of two weeks and thereafter, as and when required for interrogation.

[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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

19.10.2023

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