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Crl.O.P.No.24458 of 2023

C.V.KARTHIKEYAN, J.

The petitioner herein seeks anticipatory bail in Crime No.275 of 2023 registered by the respondent Police for the offences under Sections 379 IPC r/w 21(1) of Mines & Minerals (Development & Regulation) Act.

2. The learned counsel for the petitioner stated that he has been falsely implicated as an accused in this case. He is innocent. Thus, he seeks anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl.Side) submitted that, on 23.09.2023, at about 11.30 a.m., when the defacto complainant along with the police party were engaged in routine surveillance, they found the petitioner herein transporting 1 unit of rough sand in a tractor bearing registration No.TN 29 AB 6307. It is also stated that the tractor and the rough sand had been seized. Thus, he prayed for dismissal of this petition.

4. Taking into consideration the fact that tractor and the rough sand had been seized from the petitioner, this Court is inclined to grant anticipatory

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bail to the petitioner with certain conditions.

5.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 from the date on which the order copy made ready, before the **learned Judicial Magistrate No.2, Dharmapuri,** 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 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 without prejudice to his defence shall deposit a non-refundable sum of Rs.7,500/-, by way of Demand Draft to the District Revenue Officer, Dharmapuri and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said**

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amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required by the respondent police.

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

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

[f] 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];**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

30.10.2023

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