



Crl.O.P.No.25366 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner herein seeks anticipatory bail in Crime No.505 of 2023 registered by the respondent Police for the offences under Section 379 of the Indian Penal Code, 1860 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in Crime No.505 of 2023 registered by the respondent Police for the offences under Section 379 of the Indian Penal Code, 1860 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. Thus, he seeks anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl.Side) that, on 10.10.2023 at 10.00 a.m., the respondent police conducted the vehicle inspection near Thirukkalampur Shivan temple near Sellur. At that time, he found that the petitioner herein and other accused person were digging the sand using JCB vehicle bearing registration No.TN 45 AS 6485, without



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having any valid license. He also stated that the sand was dug up from the temple land. He further stated that the vehicle and the dug up sand had been seized. Thus, he prayed for dismissal of this petition.

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



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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.20,000/-, by way of Demand Draft to the District Revenue Officer, Thiruppur District 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 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 10.30 a.m., until further orders.

[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



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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;

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