



Crl.OP.No.25364 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC read with Sections 21(1), 21 (4) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.215 of 2023, on the file of the respondent police seeks anticipatory bail.

2.The learned counsel for the petitioner stated that petitioner is an innocent person and he has been falsely implicated in the case registered in Crime No.215 of 2023 for the offences under Section 379 IPC read with Sections 21(1), 21 (4) of Mines & Minerals (Development & Regulation) Act, 1957. Thus, he seeks anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl.Side) that, on 29.10.2023, defacto complainant along with the police party were engaged in routine surveillance. At that time, they found the accused transporting ½ unit of river sand in JCB. It is also stated that the



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vehicle and the river sand had been recovered. Thus, he prayed for dismissal of this petition.

4.Considering the fact that vehicle and the river sand had been recovered, this Court is inclined to grant anticipatory bail to the petitioner. 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 **District Munsif Cum Judicial Magistrate, Pennagaram, 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.



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[b] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only), by way of Demand Draft to the District Revenue Officer, Dharmapuri 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 10.00 a.m., for a period of two weeks and thereafter, as and when required by the respondent police.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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.

07.11.2023

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