



Crl.O.P.No.26925crlop2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.1064 of 2020 registered by the respondent Police for the offences under Sections 379 & 430 IPC r/w Section 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3.It is stated that the petitioner had illegally transported 1 ½ unit of river sand in a Lorry and ½ unit of river sand in an unregistered Tractor without valid license. However, it is stated that the river sand and the vehicles had been recovered. There are four previous cases as against the petitioner herein.

4.Taking into consideration of the fact that the vehicle and the river sand had been seized from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.26925crlop2023

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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. II, Thiruvallur**, 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.20,000/-**, by way of Demand Draft to the District Revenue Officer, Thiruvallur, Thiruvallur 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



Crl.O.P.No.26925crlop2023

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 once in a week 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 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;

28.11.2023

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Crl.O.P.No.26925crlop2023

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Crl.O.P.No.26925crlop2023

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