



CrI.OP.No.27675 of 2023

CrI.O.P.No.27675 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Crime No.334 of 2023 registered by the respondent police for the offences punishable under Sections 379 and 430 of IPC and 21(1) Mines and Mineral (Development and Regulation) Act.

2. The case of the prosecution is that the petitioner is alleged to have transported 3 bags of river sand, each bag contains 25kgs in a two wheeler. 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.



Crl.OP.No.27675 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioner had illegally transported 75kgs of river sand without any permit. He further stated that there are three previous case against the petitioner. 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, Vellore**, 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 ***learned Judicial Magistrate-III, Vellore*** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten**



Crl.OP.No.27675 of 2023

WEB COPY

Thousand only) with two sureties 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 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.



Crl.OP.No.27675 of 2023

[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 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.

08.12.2023

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Crl.OP.No.27675 of 2023

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Crl.O.P.No.27675 of 2023

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