



Crl.O.P.No.28878 of 2023

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WEB C **P.DHANABAL, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 and 430 of IPC and Section 21(1) Mines and Minerals (Development and Regulation Act), 1957 in Crime No.511 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.10.2023, the petitioner transported 1/4 unit of river sand in a bullock cart without any valid permit. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner illegally transported 1/4 quantity of sand in a bullock cart and he also involved in 4 previous cases. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Having regard to the nature of allegations made against the petitioner and no any previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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.I, Virudhachalam*, on condition that the petitioner shall execute a separate 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or



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trial.

WEB COPY [d] 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].

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

29.12.2023

pvs/dna



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29.12.2023