



Crl.O.P.No.28991 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 I.P.C r/w Section 21(1) of Mines and Mineral Act in Crime No.364 of 2023 on the file of the respondent Police, seeks Anticipatory Bail.

2. The case of the prosecution is that on 05.12.2023, the petitioner was transporting 1/2 unit of river sand illegally. Hence the complaint.

3. The learned Counsel for the petitioner would contend that the petitioner has not committed any offence and he has been falsely implicated in this case. Hence, prays to enlarge the petitioner on Anticipatory Bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was transporting 1/2 unit of river sand illegally and that one previous of similar nature is pending as against the petitioner. Hence objected to grant Anticipatory Bail to the petitioner.



Crl.O.P.No.28991 of 2023

5. Heard both the sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offences and the quantity of the material, this Court is inclined to grant Anticipatory Bail to the petitioner.

7. 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, Panruti 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 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



Crl.O.P.No.28991 of 2023

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.

28.12.2023

tsg/grs



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Crl.O.P.No.28991 of 2023

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Crl.O.P.No.28991 of 2023

28.12.2023