



Crl.O.P.No. 29132 of 2023

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CRL.O.P.No.29132 of 2023

P.DHANABAL, J.

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC read with 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.241 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are alleged to have transported 2 units of norambu sand illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they were not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent police submitted that the quantity of norambu sand involved is 2 units. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



CrI.O.P.No. 29132 of 2023

WEB COPY

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

6. Considering the nature of offence and considering the quantity of the material, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate No.II, Krishnagiri** 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 petitioners 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 the interrogation.



CrI.O.P.No. 29132 of 2023

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

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

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Crl.O.P.No. 29132 of 2023

P.DHANABAL, J.

mkn2

Crl.O.P.No.29132 of 2023

28.12.2023