



Crl.O.P.No.29214 of 2023

Crl.O.P.No.29214 of 2023

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

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 21(1) Mines and Minerals (Development and Regulation Act), 1957 in Crime No.704 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.12.2023, the petitioner smuggled M-sand in a lorry without any valid permit. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is only a driver of the vehicle and he 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 2 1/2 unit of M-sand and there is no previous case against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



Crl.O.P.No.29214 of 2023

WEB COPY

5. Having regard to the nature of allegations made against the petitioner and taking note of the fact that the petitioner is only a driver of the vehicle and also there is no previous case against him, 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, Villupuram*, 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., until further orders.**

[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 trial.



Crl.O.P.No.29214 of 2023

[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



WEB COPY



Crl.O.P.No.29214 of 2023

P.DHANABAL,J

pvs/dna

Crl.O.P.No.29214 of 2023

29.12.2023