



WEB COPY



CrI.O.P.No. 29218 of 2023

CRL.O.P.No.29218 of 2023

P.DHANABAL, J.

The petitioner, who apprehends 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.209 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have transported 1/4 unit of mineral sand illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent police submitted that the quantity of mineral sand involved is 1/4 unit.



Crl.O.P.No. 29218 of 2023

Hence, he vehemently opposed this petition.

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 petitioner, subject to the following conditions:

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, Needamangalam**, 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 the



CrI.O.P.No. 29218 of 2023

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 trial.

[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

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mkn2

Crl.O.P.No.29218 of 2023

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