



Crl.O.P.No. 29234 of 2023

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P.DHANABAL, J.

The petitioner/A2, 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.236 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.07.2023, based on a secret information, the defacto complainant made a visit to the Sivan Kovil Pond and found that, one person was taking sand using EX-120 Hitachi vehicle from that pond. On seeing the defacto complainant, the person escaped from that spot leaving the EX-120 Hitachi vehicle. Then, the defacto complainant had lodged a complaint about this incident before the respondent police. Hence, this case.



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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 vehicle has been seized and there are no previous cases as against the petitioner.

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

6. Considering the nature of offence and also considering the fact that there are no previous cases against the petitioner, 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**



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Magistrate, Thiruthuraipoondi, 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 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].



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

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