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CrI.O.P.No.5599 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners seek anticipatory bail in Crime No.121 of 2024 registered by the respondent Police for the offences under Sections 397, 430 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3.It is stated that the petitioners had illegally transported ½ unit of river sand in a Mahendra Mini Tipper van bearing registration No.TN 23 CX 0108 on 17.02.2024 near Ulli Joint Road side. However, it is stated that ½ unit of river sand had been recovered.

4.Taking into consideration the fact that the bullock cart and ½ unit of river sand had been seized from the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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5. 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 **learned Judicial Magistrate Court, Gudiyatham**, on condition that the petitioner shall execute 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners without prejudice to their defence shall deposit a non-refundable sum of Rs.10,000/- jointly, by way of Demand Draft to the District Revenue Officer, Gudiyatham District and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is



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open to the trial Court to deal with the case independently.

[c] the petitioners shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

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

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