



Crl.O.P.No.5326 of 2024

WEB COPY

Crl.O.P.No.5326 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/second accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379, 430 of IPC read with Section 21(1) of Mines and Minerals (D&R) Act, 1957 in Crime No.1376 of 2023, seeks anticipatory bail.

2. The case of prosecution is that the petitioner is alleged to have transported 2 units of river sand illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit 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 earlier application seeking anticipatory bail was dismissed on 27.11.2023 in Crl.O.P.No. 26770 of 2023. At that time, it was represented by the learned Government Advocate (Crl. Side) that the quantity of river sand involved is 4 units but it had also been stated by the learned Government Advocate (Crl. Side) that there are 10 previous cases against the petitioner herein.



Crl.O.P.No.5326 of 2024

WEB COPY

5. The learned counsel for the petitioner stated that the co-accused had been arrested and granted bail.

6. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 Judicial Magistrate No.II, Kancheepuram, 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 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.



Crl.O.P.No.5326 of 2024

WEB COPY

[b] the petitioner is directed to deposit a sum of Rs.15,000/- to the District Revenue Officer, Kancheepuram, within a period of two weeks.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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.

25.03.2024

vsg



WEB COPY



Crl.O.P.No.5326 of 2024

C.V.KARTHIKEYAN, J.

vsg

Crl.O.P.No.5326 of 2024

25.03.2024