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CrI.O.P.No.8102 of 2024

**T.V.THAMILSELVI, J.**

The petitioner who apprehends arrest for the alleged offence under Sections **430, 379 of IPC and 21(1)** of Mines and Minerals (Development and Regulation ) Act, in **Crime No. 57 of 2024** on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner transported red soil using tipper lorry without any valid permit. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a some amount to the charitable purpose as imposed by this Court. Learned counsel prays to grant anticipatory bail to the petitioners.



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4.The learned **Government Advocate (Crl side)** submits that the petitioner has transported red soil using tipper lorry without any valid permit and the petitioner is having 10 previous cases out of which he was acquitted in six cases and convicted in 3 cases and one case closed as mistake of facts. He vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl Side), the investigation is almost completed, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.V, Vellore**, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** , with two



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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 and on further condition that:

**[a] the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Registered Advocate Clerks Association, Vellore District, within a period of two weeks from the date of receipt of copy of this order,** without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

[b] 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.

[c] the petitioner is directed to report before the respondent police on every Sunday at 10.30 a.m., for a period of four weeks, and thereafter as and when required for interrogation.



[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 petitioners 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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