



Crl.O.P.No.9317 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 379 and 430 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.839 of 2023 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that based on the secret information that some persons are illegally taking sand from Vinnamangalam Village, Cheyyar River, the respondent police reached the spot on 07.10.2023 at 05.30 a.m. and found a Dust van (Ashok Layland) bearing Registration No.Tn97 B 8771 in which the one unit of river sand was transported by the accused person. The petitioner is one of the person who used to drive the Dust van (Ashok Layland). Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is only the driver of the vehicle and he is not the owner of the vehicle. He has not committed any offence and he has been falsely implicated in this case. He is a law abiding person having permanent residence in the above said



address. He undertakes not to abscond or evade due process of law. He is ready to cooperate with investigation and ready to abide by any condition imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner is an habitual offender and hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed 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, Arani**, 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

*(b) the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each to the credit of **Registered Advocate Clerks Association, Arani**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;*

(c) the petitioner shall appear before the respondent police 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



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*law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/trial Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;*

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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