



Crl.O.P.No.9500 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 of IPC r/w 21(1) of MM Act in Crime No.198 of 2022 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that on 27.06.2022 and the charges levelled against the petitioner. At the time of inspection, this petitioner was caught red handed transporting 1 Unit of river sand without obtaining valid permit/license which amounts to illegal sand mining. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a permanent resident of the address given in the petition and he is a farmer and had transported sand for constructing own purposes and not for commercial activities. He is a law abiding citizens and he is the sole breadwinner of the family. He is ready to abide by any condition that may be imposed on them by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) submitted that the petitioner is an habitual offenders. Hence, he 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 are 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, Ambur**, 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:



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(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 petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each to the credit of **Registered Advocate Clerks Association, Thirupathur**, 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 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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