



Crl.O.P.No.14573 of 2024

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RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Section 379 & 430 IPC and 21(1) of Mines & Minerals (Development & Regulation) Act in Crime No.363 of 2022 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that Petitioners indulged in illegal transportation of 3½ units of river sand by using lorry without any valid permit. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioners have not committed any offence as alleged by the Defacto Complainant and they are innocent. He would further submit that already the Petitioners herein were granted anticipatory bail on condition, by this Court in Crl.OP.No.14603 of 2022 on 24.06.2022. Based on which the Petitioners deposited a sum of Rs.45,000/- to the District Mineral Foundation Trust, concerned but failed to comply with the order of sureties and hence the anticipatory bail Petition was dismissed. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.



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4.The learned Government Advocate (Crl. Side) for the Respondent would submit that even though this Court granted further time to comply with the conditional order granted in Crl.OP.No.14603 of 2022, on three occasions viz., 10.08.2022, 19.09.2022 & 19.12.2022, the Petitioners failed to comply with the order of sureties and subsequently the anticipatory bail Petition filed by the Petitioners got dismissed. Hence, the learned Government Advocate vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsel on both sides and the fact that the Petitioners already deposited a sum of Rs.50,000/- to the credit of District Mineral Foundation Trust, concerned, I am inclined to grant final chance to execute the sureties and grant anticipatory bail to the Petitioners with certain conditions.

7.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**



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Magistrate, Thittakudi, on condition that the Petitioners shall execute a 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 Petitioners 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 shall report before the Respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required;

[c] the Petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the Petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

26.06.2024

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RMT.TEEKAA RAMAN, J.

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