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Crl.O.P.No.11386 of 2024

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**K.KUMARESH BABU., J.**

The petitioner herein seeks anticipatory bail in Crime No.169 of 2024 registered by the respondent Police for the offences under Sections 379 and 430 IPC and 21(5) of Mines & Minerals (Development & Regulation) Act, 1957.

2. The learned counsel for the petitioner stated that the petitioner has been falsely implicated as an accused in this case. He is innocent. Thus, he seeks anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.Side) submitted that, on 28.04.2024, at about 03.00 a.m., when the respondent police were patrolling at Konaiyur Village in Cheyyar River bed, they found the petitioner herein transporting 1/4 unit of river sand in a bullock cart. It is also stated that the bullock cart and the river sand had been seized. Thus, he prayed for dismissal of this petition.



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4. Taking into consideration the fact that bullock cart and the river sand had been seized from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 **learned Judicial Magistrate, Cheyyar, Thiruvannamalai District**, 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.

**[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and**



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**thereafter, as and when required for interrogation.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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]***;

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

**08.05.2024**

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