



Crl.O.P.No.11233 of 2024

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K.KUMARESH BABU, J.

The petitioner herein seek anticipatory bail in Crime No.133 of 2024 registered by the respondent Police for the offence under Sections 379 and 430 IPC read with Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

2. The case of the prosecution is that the petitioner were indulged in illegal transportation of 5 sacks of river sand in a vehicle without any valid permit. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and for statistical purpose he has been falsely implicated in this case. Thus, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner was indulged in illegal transportation of 5 sacks of river sand in his vehicle without any valid permit. Hence, the complaint.

5. Taking into consideration the facts and the submissions made by the learned counsel on either side and the investigation is also 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Gudiyatham** 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:



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[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 without prejudice to his defence shall deposit a non-refundable sum of Rs.5,000/- (Rupees Five Thousand Only), by way of Demand Draft to the District Revenue Officer, Vellore and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required by the respondent police.

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



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[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 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;

08.05.2024

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