



Crl.O.P.No.11378 of 2024

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K.KUMARESH BABU, J.

The petitioners herein seek anticipatory bail in Crime No.68 of 2024 registered by the respondent Police for the offence under Sections 379 of IPC read with Section 21(1) and 21(4) of MMDR Act.

2. The case of the prosecution is that the petitioners were indulged in illegal transportation of 1 units of river sand in a vehicle without any valid permit. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and for statistical purpose they have been falsely implicated in this case. Thus, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioners by stating that the petitioners were indulged in illegal transportation of 1 unit of river sand in their vehicle without any valid permit. Hence, the complaint.



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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 petitioners with certain conditions.

6. 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 Magistrate, Pennagaram** on condition that the petitioners 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 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 without prejudice to his defence shall deposit a non-refundable sum of



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Rs.10,000/- each, by way of Demand Draft to the District Revenue Officer, Dharmapuri 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 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];**



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

09.05.2024

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