



Crl.O.P.No.12220 of 2024

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C.SARAVANAN, J.

The petitioner apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. r/w 21(4) of Mines and Mineral Act, 1957 in Crime No.53 of 2024, seeks anticipatory bail.

2. The petitioner is a driver of a tipper lorry bearing Regn. No.KA-42-9000, which was found to have carried 10 pieces of granite slab. The petitioner apprehends arrest in Crime No. 53 of 2024 for the alleged offence under Sec.379 of I.P.C. r/w Sec. 21(4) of Mines and Minerals Act and now come before this court seeking anticipatory bail.

3. The learned Government Advocate (Criminal Side) appearing for the respondent would oppose the prayer for anticipatory bail, as the petitioner is having past history of similar offence in Crime No.335 of 2023 and the investigation is still pending.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police and perused the materials available on record.



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5. Having considered the facts and the submissions made by the learned counsel on either side, the Court is inclined to grant Anticipatory Bail to the petitioner and the petitioner shall be released immediately on bail, in the event of arrest or on his appearance, with subject to the following conditions :-

[a] the petitioner shall appear before the **learned Judicial Magistrate No.2, Hosur** within a period of fifteen days from the date on which the order copy made ready.

[b] 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.

[c] 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;

[d] the petitioner shall donate a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.53 of 2024 payable to Director of Mines and Minerals, Krishnagiri District and on production of proof for the same.

[e] the petitioner shall report before the respondent **Police on every Saturday in the morning ;**



Crl.O.P.No.12220 of 2024

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

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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]**;

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

23.05.2024

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rpp

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23.05.2024