



Crl.O.P.No.12984 of 2024

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S. SOUNTHAR, J.

The petitioner herein seeks anticipatory bail in Crime No.546 of 2023 registered by the respondent Police for the offences punishable under Section 379 of IPC r/w. Section 21(1) of Mines and Minerals Act, 1957.

2. The case of the prosecution is that when the respondent police conducted an inspection, they found the petitioner with possession of M Sand Dust in a vehicle bearing No.TN 38 BQ 3235, without proper transit order. Hence, this case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he is nothing to do with the alleged offence. He further submitted that a false case has been foisted against the petitioner. Hence, he seeks anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal side) for the respondent submitted that the petitioner is arrayed as a second accused and he was in possession of M Sand Dust without proper transit order. There is no previous case against the petitioner.



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5. Taking into consideration the nature of the allegations made against the petitioner and also the fact that there is no previous case against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.I, Udumalpet** on condition that the petitioner shall execute 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 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 10.00.a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness



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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;

30.05.2024

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