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Crl.O.P.No.12838 of 2024

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S.SOUNTHAR, J.

The petitioner seeks anticipatory bail in Crime No.363 of 2024 registered by the respondent Police for the offence under Sections 379, 430 of IPC & r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

2.The case of the prosecution is that when the respondent police was in their routine patrol duty on 20.05.2024, they found the petitioner / A2 along with other accused was illegally transporting 125 Kgs of river sand using his Two Wheeler. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he had been falsely implicated in this case. The learned counsel for the petitioner also submits that the petitioner is ready to deposit substantial amount before the District Revenue Officer, which can be utilised for sustainable development.



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4. The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused had committed a theft of 125 Kgs of river sand using his Two Wheeler which had been seized. He further submitted that there is no previous case pending as against the petitioner.

5. Taking into consideration the nature of vehicle used and the quantum of river sand that had been seized from the petitioner and also considering the fact that there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. The petitioner is accordingly 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 **Judicial Magistrate Court, 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



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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 without prejudice to his defence shall deposit a non-refundable sum of Rs.2,000/- (Rupees Two Thousand only), by way of Demand Draft to the District Revenue Officer, Vellore District 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.

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



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S.SOUNTCHAR, J.

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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;

29.05.2024

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