

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,
Vacation Sessions Judge, Theni,

Dated this the 29th day of May 2024

CrI.M.P.No.186/2024

CNR.No.TNTH00-0000224-2024

Thangavel

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Rajathani P. S. in

Cr.No.270/2023

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru.C.Thangaprabu, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

ORDER

This petition has been filed by the petitioner/accused U/s.438 of Code of Criminal Procedure seeking anticipatory bail.

2. The Nitty-Gritty of the prosecution case is as follows:

On 30.10.2023 the petitioner and co-accused illegally quarrying Soil in the land for which they did not obtain license or permission from the authority concerned. Consequently, the complainant with his official seized the JCB and two Tipper as well as tractor loaded with soil. Therefore case registered against the petitioner and co-accused U/s.379 of IPC and U/s.21 of Mines and Minerals (Development and Regulation) Act.

3. Heard both sides.

4. The points for determination is that can the petitioner be released on anticipatory bail?

Answer :

5. The FIR would reveal that the petitioner and co-accused illegally quarrying Soil in the land for which they have not obtain either license or permission from the authority concerned. As submitted by the prosecution, the investigation is underway and if released on bail, the petitioner would commit similar offence. Having considered the nature of offence as well as circumstances of the case, I inclined to release the petitioner on anticipatory bail with stringent conditions.

6. i) The petitioner shall at first instance remit a sum of Rs.30,000/- as non refundable amount as cost to District Mediation and Conciliation Centre at Theni within a week from the date of order.

ii) Thereafter in the event of his arrest by the respondent or on his surrender before the Learned Judicial Magistrate at Aundipatti within 15 days from the date of order with the receipt given by District Mediation and Conciliation Centre at Theni, the petitioner shall be released on bail on his executing a bond for sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum.

iii) The petitioner shall report before the SHO of Rajathani daily at 10.00 a.m., for the period of 25 days.

iv) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

v) The petitioner shall not abscond either during the investigation or trial.

7. 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 laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala (2005) AIR SCW 5560).

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 29th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to :-

The Judicial Magistrate, Aundipatty
The Public Prosecutor, Theni.
The Petitioner's through his Counsel.
The Inspector of Police, Rajathani.